



William Allen.

ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1884,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, CHANGES
OF NAMES OF PERSONS,
ETC., ETC.

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A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

PREAMBLE.

THE end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic, how formed its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into

an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship. Protection therein.
2 Cush. 104.
12 Allen, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment, Art. XI. substituted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality; and as these cannot be generally diffused through a community but by the institution of the public worship of GOD, and of public instructions in piety, religion, and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of GOD, and for the support and maintenance of public Protestant teachers of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.

Legislature empowered to compel provision for public worship;

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, etc.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. 8 Met. 162. Subordination of one sect to another prohibited.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, etc.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the

Objects of government; right of people to

institute and
change it.

Right of people
to secure rota-
tion in office.

All, having the
qualifications
prescribed,
equally eligible
to office.
For the defini-
tion of "inhabit-
ant," see Ch. 1,
Sect. 2, Art. II.
Right of protec-
tion and duty of
contribution
correlative.
Taxation found-
ed on consent.
16 Mass. 326.
1 Pick. 418.
7 Pick. 344.
12 Pick. 184, 467.
16 Pick. 87.
23 Pick. 360.
7 Met. 383.
4 Gray, 474.
7 Gray, 363.
14 Gray, 154.
1 Allen, 150.
4 Allen, 474.
Private prop-
erty not to be
taken for public
uses without,
etc.
6 Cush. 327.

Remedies, by
recourse to the
law, to be free,
complete and
prompt.

Prosecutions
regulated.
8 Pick. 211.
10 Pick. 9.
18 Pick. 434.

people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestible, unalienable, and infeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

14 Gray, 155.	12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 428, 441.
16 Gray, 417, 431.	100 Mass. 544, 560.	111 Mass. 130.	127 Mass. 50, 52.
1 Allen, 150.	103 Mass. 120, 124.	113 Mass. 45.	358, 363, 410, 413.
11 Allen, 530.	106 Mass. 356, 362.	116 Mass. 463.	129 Mass. 559.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially, and formally, described to him; or be compelled to accuse,

or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

100 Mass. 287, 295.	108 Mass. 5, 6.	122 Mass. 332.	127 Mass. 550, 554.
103 Mass. 418.	118 Mass. 443, 451.	124 Mass. 464.	129 Mass. 559.
107 Mass. 172, 180.	120 Mass. 118, 120.		

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

114 Mass. 388, 390.	122 Mass. 505, 516.	125 Mass. 182, 188.
120 Mass. 320, 321.	123 Mass. 590, 593.	128 Mass. 600.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and

21 Pick. 542.
2 Met. 320.
12 Cush. 246.
1 Gray, 1.
5 Gray, 160.
8 Gray, 329.
10 Gray, 11.
11 Gray, 438.
2 Allen, 361.
11 Allen, 238-
240, 264, 439,
473.
12 Allen, 170.
97 Mass. 570,
573.

Right to trial by jury in criminal cases, except, etc.
8 Gray, 329, 373.
103 Mass. 418.

Crimes to be proved in the vicinity.
2 Pick. 550.
121 Mass. 61, 62.
Right of search and seizure regulated.
Const. of U. S., Amend't IV.
2 Met. 329.
5 Cush. 369.
1 Gray, 1.
13 Gray, 454.
10 Allen, 403.
100 Mass. 136,
133.
126 Mass. 269,
273.

Right to trial by jury sacred, except, etc.
Const. of U. S., Amend't VII.
2 Pick. 382.
7 Pick. 366.
5 Gray, 144.
8 Gray, 373.
11 Allen, 574,
577.
102 Mass. 45, 47.

Liberty of the press.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.
5 Gray, 121.

the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, etc., and reason thereof.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.
8 Allen, 247.

XXIII. No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

Ex post facto laws prohibited.
12 Allen, 421,
424, 423, 434.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Legislature not to convict of treason, etc.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

Excessive bailor fines, and cruel punishments, prohibited.
5 Gray, 482.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be quartered in any house, unless, etc.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt from law-martial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of supreme judicial court.
3 Pick. 471.
1 Gray, 472.
4 Allen, 591.
7 Allen, 385.
105 Mass. 219, 221, 225.
Tenure of their office.

Salaries.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Separation of executive, judicial, and legislative departments.
2 Cush. 577.
2 Allen, 361.
8 Allen, 247, 253.
100 Mass. 282, 286.
114 Mass. 247, 249.
116 Mass. 317.
129 Mass. 559.

PART THE SECOND.

The Frame of Government.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

Title of body politic.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

Legislative
department.

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

For change of
time, etc., see
amendments,
Art. X.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May;] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.
99 Mass. 636.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

Bill may be
passed by two-
thirds of each
house, notwith-
standing.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

For exception
in case of ad-
journalment of
the general
court within
the five days,
see amend-
ments, Art. I.
3 Mass. 567.

General court
may constitute
judicatories,

III. The general court shall forever have full power and authority to erect and constitute judicatories and

courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same: whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and sup-

courts of record,
etc.
8 Gray, 1.
12 Gray, 147,
154.

Courts, etc.,
may administer
oaths.

General court
may enact laws,
etc.
9 Gray, 426.
4 Allen, 473.
12 Allen, 223,
237.
100 Mass. 544,
557.
116 Mass. 467,
470.

may enact
laws, etc., not
repugnant to
the constitution.
6 Allen, 358.

may provide
for the election
or appointment
of officers.
115 Mass. 602.

may prescribe
their duties.

may impose
taxes, etc.
12 Mass. 252.
5 Allen, 428.
6 Allen, 558.
8 Allen, 247, 253.
10 Allen, 235.
11 Allen, 268.
12 Allen, 77, 223,
235, 238, 240, 298,
300, 312, 313, 500,
612.
98 Mass. 19.
100 Mass. 285.
101 Mass. 575,
585.
103 Mass. 267.
114 Mass. 383,
391.

116 Mass. 461.
118 Mass. 386,
389.
123 Mass. 493,
495.
127 Mass. 413.

may impose
taxes, etc., to be
disposed of for
defence, protec-
tion, etc.
8 Allen, 247, 256.
Valuation of
estates once in
ten years, at
least, while, etc.
8 Allen, 247.
126 Mass. 547.

port of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. II.

CHAPTER I.

SECTION II.

Senate.

Senate, number
of, and by whom
elected.
Superseded by
amendments,
Art. XIII.,
which was also
superseded by
amendments,
Art. XXII.

For provision as
to councillors,
see amend-
ments, Art.
XVI.

Counties to be
districts, until,
etc.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided, that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.]

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz.:—Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz.: there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant" in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

Manner and time of choosing senators and councillors.
Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.
As to cities, see amendments, Art. II.
These provisions as to the qualifications of voters, superseded by amendments, Arts. III., XX., and XXVIII.
Word "inhabitant" defined.
See also amendments, Art. XXII., which was annulled by Art. XXVI.
12 Gray, 21.
122 Mass. 595, 597.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

Selectmen to preside at town meetings.

Return of votes

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January. See amendments, Art. X.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

Plantation meetings. Time of election changed by amendments, Art. XV. Assessors to notify, etc.

in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Governor and council to examine and count votes, and issue summonses. Time changed to first Wednesday in January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

Senate to be final judge of elections, etc., of its own members. Time changed to first Wednesday in January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in

Vacancies, how filled. Changed to election by

every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place of honor, trust, or profit, under this commonwealth: but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

people.
See amend-
ments, Art.
XXIV.

Qualifications of
a senator.
Property quali-
fication abol-
ished.
See amend-
ments, Art.
XIII.
For further pro-
vision as to
residence, see
also amend-
ments, Art.
XXII.

Senate not to
adjourn more
than two days

shall choose
its officers and
establish its
rules.

shall try all
impeachments.

Oath.
Limitation of
sentence.

Quorum.
For further pro-
visions, see
amendments,
Art. XXII.

CHAPTER I.

SECTION III.

House of Representatives.

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representation
of the people.

Representatives, by whom chosen.

Superseded by amendments, Arts. XII. and XIII., which were also superseded by amendments, Art. XXI. 7 Mass. 523.

Proviso as to towns having less than 150 ratable polls.

Towns liable to fine in case, etc.

Expenses of travelling to and from the general court, how paid.

Qualifications of a representative.

New provision as to residence. See amendments, Art. XXI.

Property qualifications abolished by amendments, Art. XIII.

Qualifications of a voter.

These provisions superseded by amendments, Arts. III., XX. and XXVIII. See also amendments, Art. XXIII., which was annulled by Art. XXVI.

Representatives, when chosen.

II. [And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives; every corporate town containing six hundred ratable polls may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.]

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the same town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House alone
can impeach.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

House to origi-
nate all money
bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

not to adjourn
more than two
days.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

quorum.
Superseded by
amendments,
Art. XXI.

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

to judge of
returns, etc., of
its own mem-
bers; to choose
its officers and
establish its
rules, etc.

may punish
for certain
offences.
14 Gray, 226.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending the general assembly.

Privileges of
members.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Senate.
Governor and
council may
punish.
General limita-
tion.
14 Gray, 226.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

Trial may be by
committee, or
otherwise.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

*Governor.**Governor.*

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCELLENCY.

*His title.**To be chosen annually.**Qualifications.*

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds; [and unless he shall declare himself to be of the Christian religion.]

Requirement of religious declaration abolished by amendments, Art. VII.

By whom chosen, if he have a majority of votes.

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

As to titles, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV.

Now chosen, when no person has a majority.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and [in case of an election by a majority of all the votes returned], the choice shall be by them declared and published; [but if no person shall have a majority of

votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.]

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

May adjourn or prorogue the general court upon request, and convene the same. As to dissolution, see amendments, Art. X.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

As to dissolution, see amendments, Art. X.

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the

Governor to be commander-in-chief.

commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Limitation.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access.

Governor and council may pardon offences, except, etc.

But not before conviction.
109 Mass. 323.

Judicial officers, etc., how nominated and appointed.
For provisions

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the gov-

ernor, by and with the advice and consent of the council ; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

as to election of attorney-general, see amendments, Art. XVII.

For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIX.

XIX. For provision as to appointment of notaries public, see amendments, Art. IV.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards ;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments ; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades ; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

Militia officers, how elected. Limitation of age struck out by amendments, Art. V.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected.

How commissioned.

Election of officers.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other ; and be commissioned by the governor.

Major-generals, how appointed and commissioned.

For provisions as to appointment of a commissary-general, see amendments, Art. IV.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Vacancies, how filled, in case, etc.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Officers duly commissioned, how removed. Superseded by amendments, Art. IV.

The commanding officers of regiments shall appoint their adjutants and quartermasters ; the brigadiers their brigade-majors ; and the major-generals their aids ; and the governor shall appoint the adjutant-general.

Adjutants, etc., how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Army officers, how appointed.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Organization of militia.

Money, how drawn from the treasury, except, etc.
13 Allen, 593.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, etc., to make quarterly returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

Salary of governor.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salaries of justices of supreme judicial court.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be — HIS HONOR; and who shall be qualified, in point of [religion,] property, and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

Lieutenant-governor; his title and qualifications. The requirement of a declaration of belief in the christian religion was abolished by amendments, Art. VII.

How chosen.

Election by plurality provided for by amendments, Art. XIV.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

President of council. Lieutenant-governor a member of, except, etc.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

Lieutenant-governor to be acting governor, in case, etc.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to

Council. Number of councillors.

changed to
eight.
See amend-
ments, Art.
XVI.

consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

Number; from
whom, and how
chosen.
Modified by
amendments,
Arts. X. and
XIII.
Superseded by
amendments,
Art. XVI.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

If senators be-
come council-
lors, their seats
to be vacated.

Rank of
councillors.

III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

No district to
have more than
two.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

Superseded by amendments, Art. XVI.

Register of
council.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Council to exer-
cise the power
of governor in
case, etc.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Elections may
be adjourned
until, etc.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows: the vacancies in

Order thereof.
Superseded by

the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

amendments,
Arts. XVI. and
XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, etc.

ARTICLE I. [The secretary, treasurer, and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

Secretary, etc.,
by whom and
how chosen.
For provision as
to election of
secretary, treas-
urer, and re-
ceiver-general,
and auditor and
attorney-gene-
ral, see amend-
ments, Art.
XVII.

Treasurer in-
eligible for more
than five suc-
cessive years.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

Secretary to
keep records;
to attend the
governor and
council, etc.

CHAPTER III.

JUDICIARY POWER.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Tenure of all
commissioned
officers to be
expressed.
Judicial officers
to hold office
during good
behavior, ex-
cept, etc.
But may be
removed on
address.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of su-
preme judicial
court to give
opinions when
required.
122 Mass. 600,
126 Mass. 557,
561.

Justices of the
peace; tenure
of their office.
3 Cush. 584.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

Provisions for
holding probate
courts.
12 Gray, 147.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

Of marriage,
divorce, and ali-
mony.
Other pro-
visions made
by law.
105 Mass. 327.
116 Mass. 317.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

CHAPTER IV.

DELEGATES TO CONGRESS.

Delegates to
congress.

The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE AND ENCOURAGEMENT OF LITERATURE, ETC.

SECTION I.

The University.

Harvard
College.

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six,

laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of GOD, the advantage of the Christian religion, and the great benefit of this and the other United States of America, — it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled to have, hold, use, exercise, and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

Powers, privileges, etc., of the president and fellows, confirmed.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters, successively; it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

All gifts, grants, etc., confirmed.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed, their successors, who, with the president of Harvard College, for the time being, together with the ministers of the con-

Who shall be overseers.

See Statutes,
1851, 224.
1852, 27.
1859, 212.
1863, 173.
1880, 63.

Power of alteration reserved to the legislature.

gregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard College; provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, etc.

Duty of legislatures and magistrates in all future periods. For further provisions as to public schools, see amendments, Art. XVIII. 12 Allen, 500-503. 103 Mass. 94, 97.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, ETC.

Oaths, etc.

ARTICLE I. [Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accept-

ing the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

"I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

Abolished. See amendments, Art. VII.

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being.]

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.:

Declaration and oaths of all officers.

["I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection, and obedience to the king, queen, or government of Great Britain (as the case may be), and every other foreign power whatsoever; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptance of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God."]

For new oath of allegiance, see amendments, Art. VI.

Oath of office.

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth. So help me, GOD."

Proviso.
See amend-
ments, Art. VI.

Provided, always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oath[s], he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, [*"I do swear," "and abjure," "oath or," "and abjuration,"* in the first oath; and in the second oath, the words] "*swear and,"* and [in each of them] the words "*So help me, GOD;"* subjoining instead thereof, "*This I do under the pains and penalties of perjury."*

Oaths and
affirmations,
how adminis-
tered.

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

Plurality of
offices prohib-
ited to governor,
etc., except, etc.
See amend-
ments, Art.
VIII.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the state; nor shall they hold any other place or office, or receive any pension or salary from any other state or government or power whatever.

Same subject.
1 Allen, 553.

No person shall be capable of holding or exercising at the same time, within this state, more than one of the following offices, viz.: judge of probate — sheriff — register of probate — or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Incompatible
offices.
For further pro-

No person holding the office of judge of the supreme judicial court — secretary — attorney-general — solicitor-

general — treasurer or receiver-general — judge of probate — commissary-general — [president, professor, or instructor of Harvard College] — sheriff — clerk of the house of representatives — register of probate — register of deeds — clerk of the supreme judicial court — clerk of the inferior court of common pleas — or officer of the customs, including in this description naval officers — shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any councillor shall accept of either of those offices or places.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

visions as to incompatible offices, see amendments, Art. VIII. Officers of Harvard College excepted by amendments, Art. XXVII.

Incompatible offices.

Bribery, &c., disqualify.

Value of money ascertained.

Property qualifications may be increased. See amendments, Art. XIII.

Provisions respecting commissions.

Provisions respecting writs.
2 Pick. 592.
3 Met. 58.
13 Gray, 74.

Continuation of former laws, except, &c.
1 Mass. 59.
2 Mass. 534.
8 Pick. 309, 316.
16 Pick. 107, 115.
2 Met. 113.

Benefit of
habeas corpus
secured, except,
etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

The enacting
style.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same.”

Officers of
former govern-
ment continued
until, etc.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments, and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority.

Provision for
revising con-
stitution.
For existing
provision as to
amendments,
see amend-
ments, Art. IX.

X. [In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for
revising con-
stitution.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

Provision for
preserving and
publishing this
constitution.

ARTICLES OF AMENDMENT.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

Bill, etc., not
approved within
five days, not to
become a law,
if legislature
adjourn in the
mean time.
3 Mass. 567.
See Const., Ch
I. § 1, Art. II.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

General court
empowered to
charter cities.
122 Mass. 354.

Proviso.
112 Mass. 200.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which

Qualifications of
voters for gov-
ernor lieutenant-
governor, sena-
tors and
representatives.
11 Pick. 533, 540

14 Pick. 341.
 14 Mass. 367.
 5 Met. 162, 298,
 591, 594.
 7 Gray, 299.
 122 Mass. 595,
 597.
 124 Mass. 596.
 For educational
 qualification,
 see amend-
 ments, Art. XX.
 For provision as
 to those who
 have served in
 the army or
 navy in time of
 war, see amend-
 ments, Art.
 XXVIII.

Notaries public,
 how appointed
 and removed.

Vacancies in the
 offices of secre-
 tary and treas-
 urer, how filled.
 This clause
 superseded by
 amendments,
 Art. XVII.

Commissary-
 general may be
 appointed, in
 case, etc.

Militia officers,
 how removed.

Who may vote
 for captains and
 subalterns.

Oath to be taken
 by all officers.
 See Const.,
 Ch. VI. Art. I.

he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such elections.

See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

“I A. R. do solemnly swear, that I will bear true faith

and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God."

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting, instead thereof, the word "affirm," and omitting the words "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Proviso. Quakers may affirm.

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Tests abolished.

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer, and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia offices excepted.

Incompatibility of offices.
122 Mass. 445,
600.
123 Mass. 53b.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the

Amendments to constitution, how made.

senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

Commencement
of political year,

and termination.

Meetings for the
choice of gov-
ernor, lieuten-
ant-governor,
etc., when to be
held.
This clause
superseded by
amendments,
Art. XV.

Article, when to
go into opera-
tion.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who

are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Inconsistent provisions annulled.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

Religious freedom established. See Dec. of Rights, Art. III.

“As the public worship of GOD and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”

122 Mass. 40, 41.

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was superseded by amendments, Art. XIII., which was also superseded by

amendments,
Art. XXI.
Representa-
tives, how
apportioned.

one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid; and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls in addition to the first three hundred, one representative more.

Towns having
less than 300
ratable polls,
how represent-
ed

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Fractions, how
represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Towns may
unite into repre-
sentative dis-
tricts.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

The governor
and council to
determine the
number of rep-
resentatives to
which each
town is entitled.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the

New apportion-
ment to be made
once in every
ten years.

number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Inconsistent provisions annulled.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

122 Mass. 595.

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation.

Provisions as to census superseded by amendments, Arts. XXI. and XXII. Senatorial districts declared permanent.

Provisions as to senators superseded by amendments, Art. XXII.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

House of representatives, how apportioned. Provisions as to representatives superseded by amendments, Art. XXI.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Small towns, how represented.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every

Towns may unite into representative districts.

tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

Basis of representation, and ratio of increase.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

The governor and council to apportion the number of representatives of each town once in every ten years.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

Councillors to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

Freehold as a qualification for a seat in general court or council not required.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Elections by the people to be by plurality of votes.

ART. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Time of annual election of governor and legislature.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall

be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. [Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first

Eight councillors to be chosen by the people. 122 Mass. 595, 598.

Legislature to divide state.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled. For new provision as to vacancies, see amendments, XXV.

Organization of the government.

Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Election of secretary, treasurer, auditor, and attorney-general by the people.

Vacancies, how filled.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

School moneys not to be applied for secta-

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and

all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained

rian schools.
For original provision as to schools, see constitution, Part First, Art. 111.
12 Allen, 500, 508.
103 Mass. 94, 96.

Legislature to prescribe for the election of sheriffs, registers of probate, etc., by the people.
8 Gray, 1.
13 Gray, 74.
110 Mass. 172, 173.
117 Mass. 602, 603.
121 Mass. 65.

Reading constitution in English and writing, necessary qualifications of voters.
Proviso.
For other qualifications, see amendments, Art. III.
See also amendments, Art. XXIII, which was annulled by amendments, Art. XXVI.

Census of legal voters and of inhabitants, when taken, etc.
See P. S. c. 31.

House of representatives to consist of 240 members.
Legislature to apportion, etc.
10 Gray, 613.

Secretary shall
certify to officers
authorized to
divide counties.

Meeting for
division to be
first Tuesday
in August.
Proceedings.

Qualifications of
representatives.
122 Mass. 593,
595.

Districts to be
numbered,
described and
certified.

One hundred
members a
quorum.

by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Census, etc.
See P. S. c. 31.

Voters to be
basis of appor-
tionment of
senators.

Senate to consist
of forty mem-
bers.

Senatorial
districts, etc.

See amend-
ments, Art.
XXIV.

Qualifications
of senators.

Sixteen mem-
bers a quorum.

ART. XXIII. [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

Residence of
two years re-
quired of natu-
ralized citizens,
to entitle to suf-
frage or make
eligible to office.
This article
annulled by
Art. XXVI.

ART. XXIV. Any vacancy in the senate shall be filled

Vacancies in the
senate.

by election by the people of the unrepresented district, upon the order of a majority of the senators elected.

Vacancies in the council.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Twenty-third article of amendments annulled.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Officers of Harvard College may be elected members of general court.

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Persons having served in the U. S. army or navy, etc., not to be disqualified from voting, etc.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll-tax.

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted, April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859, and was repealed by the twenty-sixth Amendment.

CONSTITUTION OF MASSACHUSETTS.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

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ACTS AND RESOLVES

OF

MASSACHUSETTS.

1884.

 The General Court of 1884 assembled on Wednesday, the second day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect, were taken and subscribed by His Excellency GEORGE D. ROBINSON and His Honor OLIVER AMES on Thursday, the third day of January, in the presence of the two Houses assembled in convention.

ACTS AND RESOLVES.

AN ACT IN RELATION TO A SPECIAL ELECTION TO FILL A VACANCY *Chap. 1*
IN THE TWELFTH CONGRESSIONAL DISTRICT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The mayor and aldermen and selectmen of the several cities and towns in the twelfth congressional district shall, as provided in chapter seven of the Public Statutes, call meetings to be held on the seventeenth day of January in the year one thousand eight hundred and eighty-four, for the voters to give their votes for a representative in Congress to fill the vacancy now existing, anything in the statutes of the Commonwealth or the ordinances or by-laws or vote of any city or town to the contrary notwithstanding: *provided, however*, that in those cities and towns where a meeting for said purpose has been duly warned no further warrant need be issued.

Special election
to fill vacancy
in the Twelfth
Congressional
District.

SECTION 2. This act shall take effect upon its passage,
Approved January 11, 1884:

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND *Chap. 2*
MILEAGE OF THE MEMBERS OF THE LEGISLATURE, FOR THE COM-
PENSATION OF OFFICERS THEREOF, AND FOR OTHER PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are ap- *Appropriations.*
propriated, to be paid out of the treasury of the Common-
wealth, from the ordinary revenue, for the purposes
specified, to wit:—

For compensation of senators, twenty thousand five *Senators, com-*
hundred dollars. *pensation.*

For compensation of representatives, one hundred and *Representatives,*
twenty thousand five hundred dollars. *compensation.*

Senators, mileage.	For mileage of senators, a sum not exceeding four hundred and fifty dollars.
Representa- tives, mileage.	For mileage of representatives, a sum not exceeding two thousand five hundred dollars.
Preacher of election sermon.	For the compensation of the preacher of the election sermon, fifty dollars.
Chaplains.	For the compensation of the chaplains of the senate and house of representatives, three hundred dollars each.
Doorkeepers, messengers and pages.	For the compensation of the doorkeepers, messengers and pages to the senate and house of representatives, a sum not exceeding ten thousand dollars.
Witnesses be- fore commit- tees.	For expenses of summoning witnesses before committees, and for fees for such witnesses, a sum not exceeding two hundred dollars.
Contingent ex- penses, etc.	For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding five thousand dollars.
Expenses of committees.	For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 17, 1884.

Chap. 3 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE PRESENT YEAR.

Be it enacted, etc., as follows :

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-four, to wit :—
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LEGISLATIVE DEPARTMENT.

Clerks of senate and house.	For the salaries of the clerks of the senate and house of representatives, two thousand five hundred dollars each.
Assistant clerks.	For the salaries of the assistant clerks of the senate and house of representatives, twelve hundred dollars each.
Sergeant-at- arms.	For the salary of the sergeant-at-arms, two thousand five hundred dollars.
Engineer.	For the salary of the engineer at the state house, one thousand four hundred dollars.

For the salary of the watchman at the state house, eight hundred dollars. Watchman.

For the salaries of the four messengers to the sergeant-at-arms, known as “sergeant-at-arms messengers,” eleven hundred dollars each. Messengers.

For the salaries of the fireman at the state house, and fireman and janitor at the “Commonwealth building,” nine hundred dollars each. Fireman and janitor.

For the salary of the assistant fireman at the state house, two dollars and one-half *per diem* for each day employed. Assistant fireman.

EXECUTIVE DEPARTMENT.

For the compensation of the lieutenant-governor, two thousand dollars, and for the executive council, six thousand four hundred dollars. For the travelling expenses of said council, a sum not exceeding five hundred dollars. Lieutenant-governor and council.
Travelling expenses.

For the salary of the private secretary of the governor, one thousand five hundred dollars. Private secretary.

For the salary of the executive clerk of the governor and council, one thousand two hundred dollars. Executive clerk.

For the salary of the messenger of the governor and council, eight hundred dollars. Messenger.

SECRETARY'S DEPARTMENT.

For the salary of the secretary of the Commonwealth, two thousand five hundred dollars. Secretary.

For the salary of the first clerk in the secretary's department, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk in the secretary's department, one thousand five hundred dollars. Second clerk.

For the salary of the third clerk in the secretary's department, one thousand three hundred dollars. Third clerk.

For a messenger, and such additional clerical assistance as the secretary may find necessary, a sum not exceeding ten thousand dollars. Additional clerks.
Messenger.

TREASURER'S DEPARTMENT.

For the salary of the treasurer and receiver-general, four thousand dollars. Treasurer.

For the salary of the first clerk in the treasurer's department, two thousand three hundred dollars. First clerk.

For the salary of the second clerk in the treasurer's department, one thousand eight hundred dollars. Second clerk.

- Cashier. For the salary of the cashier in the treasurer's department, one thousand eight hundred dollars.
- Fund clerk. For the salary of the fund clerk in the treasurer's department, one thousand two hundred dollars.
- Extra clerks. For the salaries of the three extra clerks in the treasurer's department, one thousand two hundred dollars each; and for such additional clerical assistance as the treasurer may need, a sum not exceeding two hundred dollars.

TAX COMMISSIONER'S DEPARTMENT.

- Deputy tax commissioner. For the salary of the deputy tax commissioner, two thousand seven hundred and fifty dollars.
- First clerk. For the salary of the first clerk of the tax commissioner, one thousand eight hundred dollars.
- Second clerk. For the salary of the second clerk of the tax commissioner, one thousand three hundred dollars.
- Additional clerks. For such additional clerical assistance as the tax commissioner and commissioner of corporations may find necessary, a sum not exceeding twelve thousand dollars.

AUDITOR'S DEPARTMENT.

- Auditor of accounts. For the salary of the auditor of accounts, two thousand five hundred dollars.
- First clerk. For the salary of the first clerk in the auditor's department, one thousand eight hundred dollars.
- Second clerk. For the salary of the second clerk in the auditor's department, one thousand five hundred dollars.
- Extra clerks. For the salaries of the two extra clerks in the auditor's department, one thousand two hundred dollars each; and for such additional clerical assistance as the auditor may find necessary, a sum not exceeding five hundred dollars.

ATTORNEY-GENERAL'S DEPARTMENT.

- Attorney-general. For the salary of the attorney-general, four thousand dollars.
- Assistant attorney-general. For the salary of the assistant attorney-general, two thousand dollars.

COMMISSIONERS, ET AL.

- Commissioners of savings banks. For the salaries of the commissioners on savings banks, five thousand six hundred dollars.

For the salary of the first clerk of the commissioners on savings banks, one thousand three hundred dollars; for the salary of the extra clerk of said commissioners, seven hundred dollars.

First clerk.
Extra clerk.

For the salary of the insurance commissioner, three thousand dollars.

Insurance commissioner.

For the salary of the deputy insurance commissioner, two thousand five hundred dollars.

Deputy.

For the salary of the first clerk of the insurance commissioner, one thousand eight hundred dollars.

First clerk.

For the salary of the second clerk of the insurance commissioner, one thousand five hundred dollars.

Second clerk.

For the salary of one extra clerk of the insurance commissioner, one thousand dollars.

Extra clerk.

For such additional clerical assistance as the insurance commissioner may find necessary for the despatch of public business, a sum not exceeding seven thousand dollars.

Additional clerks.

For the salary of the inspector of gas-meters, two thousand dollars; and for the salary of the assistant inspector of gas-meters, one thousand two hundred dollars.

Inspectors of gas-meters.

For the salary of the secretary of the commissioners of prisons, two thousand dollars.

Secretary of commissioners of prisons.

For the salary of the clerk of the commissioners of prisons, seven hundred dollars.

Clerk.

For the salaries of the railroad commissioners, eleven thousand dollars.

Railroad commissioners.

For the salary of the clerk of the railroad commissioners, two thousand dollars.

Clerk.

For the salary of the accountant of the railroad commissioners, two thousand dollars.

Accountant.

For the salary of the assayer and inspector of liquors, five hundred dollars.

Assayer and inspector of liquors.

For the salary of the chief of the bureau of statistics of labor, two thousand five hundred dollars.

Bureau of statistics of labor.

For the salary of the first clerk in the bureau of statistics of labor, one thousand five hundred dollars.

First clerk.

For such additional clerical assistance, and for the necessary expenses of the bureau of statistics of labor, a sum not exceeding five thousand dollars.

Additional clerks.
Expenses.

For the salary and expenses of the commissioners on state aid, a sum not exceeding four thousand dollars.

Commissioners on state aid.

For the salaries of the harbor and land commissioners, five thousand five hundred dollars.

Harbor and land commissioners.

Engineer and
experts.

For the salary of the engineer, and for services of experts authorized by the harbor and land commissioners, a sum not exceeding thirty-three hundred dollars.

AGRICULTURAL DEPARTMENT.

Secretary of
board of agri-
culture.

For the salary of the secretary of the board of agriculture, two thousand five hundred dollars.

Clerk.

For the salary of the clerk of the secretary of the board of agriculture, one thousand one hundred dollars.

Additional
clerks.
Lectures.

For other clerical assistance in the office of the secretary of the board of agriculture, and for lectures before the board, a sum not exceeding four hundred dollars.

EDUCATIONAL DEPARTMENT.

Secretary of
board of educa-
tion.

For the salary and expenses of the secretary of the board of education, two thousand nine hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes.

Assistant libra-
rian and clerk.

For the salary of the assistant librarian and clerk of the board of education, two thousand dollars.

Additional
clerks.

For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding two thousand dollars.

Purchase of
books.

For the purchase of books for the state library, three thousand three hundred dollars.

MILITARY DEPARTMENT.

Adjutant-
general.

For the salary of the adjutant-general, two thousand five hundred dollars.

First clerk.

For the salary of the first clerk in the adjutant-general's department, one thousand eight hundred dollars.

Second clerk.

For the salary of the second clerk in the adjutant-general's department, one thousand six hundred dollars.

Additional
clerk.

For the salary of an additional clerk in the adjutant-general's department, one thousand six hundred dollars.

Extra clerks.

For the salaries of two extra clerks in the adjutant-general's department, one thousand two hundred dollars each.

Messenger.

For the salary of the messenger in the adjutant-general's department, eight hundred dollars.

Additional cleri-
cal assistance.

For such additional clerical assistance as the adjutant-general may find necessary, and for compensation of employés at the state arsenal, a sum not exceeding five thousand five hundred dollars.

For the salary of the surgeon-general, one thousand two hundred dollars. Surgeon-general.

SECTION 2. This act shall take effect upon its passage.

Approved January 18, 1884.

AN ACT RELATIVE TO THE EMPLOYMENT OF A SECOND CLERK IN Chap. 4
THE BUREAU OF STATISTICS OF LABOR.

Be it enacted, etc., as follows:

SECTION 1. The chief of the bureau of statistics of Second clerk.
labor is hereby authorized to employ a second clerk at a salary of thirteen hundred dollars per annum, to be computed from and after the first day of January in the year eighteen hundred and eighty-four.

SECTION 2. This act shall take effect upon its passage. Salary.

Approved January 25, 1884.

AN ACT CONCERNING THE INJURY OR DESTRUCTION OF RAILROAD Chap. 5
SIGNALS.

Be it enacted, etc., as follows:

Chapter one hundred and twelve, section two hundred Injury to rail-
road signals.
and seven, of the Public Statutes is hereby amended by striking out the word "electric."

Approved January 28, 1884.

AN ACT IN ADDITION TO "AN ACT MAKING APPROPRIATIONS FOR THE Chap. 6
MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.
propriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending December the thirty-first, in the year eighteen hundred and eighty-four; to wit:—

SUPREME JUDICIAL COURT.

For the salary of the clerk of the supreme judicial court, S. J. C., clerk.
three thousand dollars.

For the salary of the reporter of decisions of the su- Reporter.
preme judicial court, three hundred dollars.

For the salaries of the officers and messengers of the Officers and
messengers.
supreme judicial court, sixteen hundred dollars.

For expenses of the supreme judicial court, a sum not exceeding two thousand dollars.

SUPERIOR COURT.

Chief justice.

For the salary of the chief justice of the superior court, five thousand three hundred dollars.

Associate justices.

For the salaries of the ten associate justices of the superior court, fifty thousand dollars.

COURTS OF PROBATE AND INSOLVENCY.

Judge —
Suffolk.

For the salary of the judge of probate and insolvency for the county of Suffolk, four thousand dollars.

Middlesex.

For the salary of the judge of probate and insolvency for the county of Middlesex, three thousand dollars.

Worcester.

For the salary of the judge of probate and insolvency for the county of Worcester, two thousand five hundred dollars.

Essex.

For the salary of the judge of probate and insolvency for the county of Essex, three thousand dollars.

Norfolk.

For the salary of the judge of probate and insolvency for the county of Norfolk, two thousand dollars.

Bristol.

For the salary of the judge of probate and insolvency for the county of Bristol, one thousand eight hundred dollars.

Plymouth.

For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand five hundred dollars.

Berkshire.

For the salary of the judge of probate and insolvency for the county of Berkshire, one thousand two hundred dollars.

Hampden.

For the salary of the judge of probate and insolvency for the county of Hampden, two thousand dollars.

Hampshire.

For the salary of the judge of probate and insolvency for the county of Hampshire, one thousand four hundred dollars.

Franklin.

For the salary of the judge of probate and insolvency for the county of Franklin, one thousand four hundred dollars.

Barnstable.

For the salary of the judge of probate and insolvency for the county of Barnstable, one thousand dollars.

Nantucket.

For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars.

Dukes County.

For the salary of the judge of probate and insolvency for the county of Dukes County, five hundred dollars.

Register —
Suffolk.

For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars.

For the salary of the register of probate and insolvency Middlesex.
for the county of Middlesex, two thousand dollars.

For the salary of the register of probate and insolvency Worcester.
for the county of Worcester, two thousand dollars.

For the salary of the register of probate and insolvency Essex.
for the county of Essex, two thousand dollars.

For the salary of the register of probate and insolvency Norfolk.
for the county of Norfolk, one thousand five hundred
dollars.

For the salary of the register of probate and insolvency Bristol.
for the county of Bristol, one thousand eight hundred
dollars.

For the salary of the register of probate and insolvency Plymouth.
for the county of Plymouth, one thousand five hundred
dollars.

For the salary of the register of probate and insolvency Hampden.
for the county of Hampden, one thousand six hundred
dollars.

For the salary of the register of probate and insolvency Berkshire.
for the county of Berkshire, one thousand two hundred
dollars.

For the salary of the register of probate and insolvency Hampshire.
for the county of Hampshire, one thousand four hundred
dollars.

For the salary of the register of probate and insolvency Franklin.
for the county of Franklin, one thousand four hundred
dollars.

For the salary of the register of probate and insolvency Barnstable.
for the county of Barnstable, one thousand dollars.

For the salary of the register of probate and insolvency Nantucket.
for the county of Nantucket, six hundred dollars.

For the salary of the register of probate and insolvency Dukes County.
for the county of Dukes County, six hundred dollars.

For the salary of the assistant register of probate and Assistant
insolvency for the county of Suffolk, two thousand dollars. register —
Suffolk.

For the salary of the assistant register of probate and Middlesex.
insolvency for the county of Middlesex, one thousand five
hundred dollars.

For the salary of the assistant register of probate and Worcester.
insolvency for the county of Worcester, one thousand five
hundred dollars.

For the salary of the assistant register of probate and Essex.
insolvency for the county of Essex, one thousand five
hundred dollars.

Norfolk.	For the salary of the assistant register of probate and insolvency for the county of Norfolk, one thousand one hundred dollars.
Clerk in Suffolk.	For the salary of the clerk to the register of probate and insolvency for the county of Suffolk, one thousand two hundred dollars.
Extra clerks.	For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, a sum not exceeding seven thousand two hundred dollars.
Expenses.	For expenses of the courts of probate and insolvency, a sum not exceeding two thousand dollars.

DISTRICT ATTORNEYS.

District attorney — Suffolk.	For the salary of the district attorney for Suffolk district, four thousand five hundred dollars.
Assistant district attorneys.	For the salaries of the first and second assistant district attorneys for Suffolk district, two thousand five hundred dollars each.
Clerk.	For the salary of the clerk for the district attorney for the Suffolk district, one thousand dollars.
District attorney — Northern district.	For the salary of the district attorney for the northern district, two thousand four hundred dollars.
Eastern district.	For the salary of the district attorney for the eastern district, two thousand four hundred dollars.
South-eastern district.	For the salary of the district attorney for the south-eastern district, one thousand eight hundred dollars.
Southern district.	For the salary of the district attorney for the southern district, one thousand eight hundred dollars.
Middle district.	For the salary of the district attorney for the middle district, one thousand eight hundred dollars.
Western district.	For the salary of the district attorney for the western district, one thousand eight hundred dollars.
North-western district.	For the salary of the district attorney for the north-western district, one thousand three hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1884.

Chap. 7 AN ACT TO AUTHORIZE THE OLD COLONY RAILROAD COMPANY TO TAKE LAND FOR ADDITIONAL TRACKS.

Be it enacted, etc., as follows:

May construct and maintain additional tracks.

SECTION 1. The Old Colony Railroad Company may construct and maintain such additional track or tracks, as its directors may determine, on or adjoining the locations

of its present railroads, for any part or the whole of the distance between its station at South Braintree and its station at Middleborough; and also between its said station at South Braintree and Somerset Junction, in Fall River, by way of Taunton; and also between Weir Junction, in Taunton, and the junction with the Middleborough Branch Railroad; and for said purposes may purchase or take land, not exceeding two rods in width, in addition to its existing locations. Locations in the form provided by law shall be filed within three years from the passage of this act.

May take land.
Locations to be
filed within
three years.

SECTION 2. In the exercise of the powers granted by this act South Colony Railroad Company, and any person or corporation who shall sustain any damage in their property, shall have all the rights, powers, privileges and remedies and be subject to all the duties, liabilities and restrictions, provided by the general laws of the Commonwealth relating to railroads.

Damages.

SECTION 3. This act shall take effect upon its passage.

Approved February 2, 1884.

AN ACT TO ESTABLISH THE SALARY OF THE EXECUTIVE CLERK OF
THE GOVERNOR AND COUNCIL. *Chap. 8*

Be it enacted, etc., as follows:

SECTION 1. The annual salary of the executive clerk of the governor and council shall be fifteen hundred dollars, from the first day of January in the year eighteen hundred and eighty-four.

Salary
established.

SECTION 2. So much of section six of chapter fifteen of the Public Statutes as is inconsistent with this act is hereby repealed.

Repeal.

Approved February 4, 1884.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE
EXPENSES. *Chap. 9*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, for the purposes specified, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, to meet sundry charitable expenses, for the year ending on the thirty-first day of December eighteen hundred and eighty-four, to wit: —

Appropriations.

STATE BOARD OF HEALTH, LUNACY AND CHARITY.

Travelling expenses of board.	For travelling and other necessary expenses of the state board of health, lunacy and charity, a sum not exceeding one thousand six hundred dollars.
Department of health.	For salaries and expenses in the health department of said board, a sum not exceeding eight thousand five hundred dollars.
Inspector of charities.	For salaries and expenses in the department of the inspector of charities, a sum not exceeding eight thousand dollars.
In-door poor.	For salaries and expenses in the department of in-door poor, a sum not exceeding twenty-five thousand dollars.
Out-door poor.	For salaries and expenses in the department of out-door poor, a sum not exceeding seventeen thousand dollars.
Auxiliary visitors.	For travelling and other necessary expenses of the auxiliary visitors of the board, a sum not exceeding one thousand six hundred dollars.

MISCELLANEOUS CHARITABLE.

State paupers in lunatic hospitals.	For the support and relief of state paupers in the lunatic hospitals and asylums of the Commonwealth, a sum not exceeding one hundred and thirty thousand dollars.
Transportation to almshouse.	For the transportation of paupers to the state almshouse, a sum not exceeding six hundred dollars.
Transportation of state paupers.	For transportation of state paupers, a sum not exceeding fifteen thousand dollars.
Cases of settlement and bastardy.	For expenses attending the management of cases of settlement and bastardy, a sum not exceeding two thousand dollars.
Indigent and neglected children.	For the care and maintenance of indigent and neglected children, a sum not exceeding eight thousand dollars.
Infant asylums.	For the re-imbursement of the infant asylums for the support of infants having no known settlement in the Commonwealth, a sum not exceeding fifteen thousand dollars.
Support of sick state paupers by cities and towns.	For the support of sick state paupers by cities and towns, a sum not exceeding thirty thousand dollars, which is made applicable for the payment of claims for the present and previous years.
Burial.	For the burial of state paupers by cities and towns, for the present and previous years, a sum not exceeding eight thousand five hundred dollars.

For the temporary support of state paupers by cities and towns for the present and previous years, a sum not exceeding sixteen thousand dollars. Temporary support by cities and towns.

For the support and transportation of outside foundlings, a sum not exceeding ten thousand dollars. Outside foundlings.

For the support of Indian state paupers, a sum not exceeding one hundred dollars. Indian state paupers.

For the support of state paupers and special pupils in the Massachusetts school for the feeble-minded, a sum not exceeding seventeen thousand five hundred dollars. School for the feeble-minded.

For the payment of expenses in connection with the inspection of milk, food and drugs, five thousand dollars. Inspection of milk, food and drugs.

For expenses incurred in connection with small-pox and other diseases dangerous to the public health, a sum not exceeding ten thousand dollars. Dangerous diseases.

For expenses incurred in connection with medical examinations and inquests, a sum not exceeding three thousand five hundred dollars. Medical examinations and inquests.

For annuities due from the Commonwealth incurred by the acceptance of the bequests of the late Martha Johannot, a sum not exceeding thirteen hundred dollars. Johannot annuities.

For other annuities authorized by the legislature, a sum not exceeding two thousand five hundred and sixty-two dollars. Annuities.

For pensions, a sum not exceeding five hundred and twenty dollars. Pensions.

GRATUITIES.

For a gratuity, payable to the town of Westfield, authorized by the legislature, five thousand dollars. Gratuity to town of Westfield.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1884.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE ALMSHOUSE AT TEWKSBURY. Chap. 10

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and current expenses at the state almshouse at Tewksbury, during the year eighteen hundred and eighty-four, to wit:— Appropriations.

For salaries, wages and labor at the state almshouse at Tewksbury, a sum not exceeding twenty-one thousand Salaries, wages and current expenses.

dollars; and for the current expenses at said institution, a sum not exceeding seventy-three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1884.

Chap. 11 AN ACT AUTHORIZING THE LOWELL AND FRAMINGHAM RAILROAD COMPANY TO ISSUE NEW BONDS, AND TO MORTGAGE ITS PROPERTY TO THE OLD COLONY RAILROAD COMPANY.

Be it enacted, etc., as follows:

Lowell and Framingham Railroad Company may issue bonds not exceeding \$500,000.

SECTION 1. The Lowell and Framingham Railroad Company, the corporation organized under and by authority of chapter one hundred and seventy of the acts of eighteen hundred and eighty-one, is hereby authorized to issue bonds in sums of not less than one thousand dollars each, payable at a period not exceeding twenty years from the date thereof, and bearing interest at not exceeding the rate of four and one-half per cent. a year, payable semi-annually, to an amount not exceeding five hundred thousand dollars, the proceeds thereof to be used exclusively for the payment and retiring of the first mortgage bonds of the Framingham and Lowell Railroad Company, issued under date of April first, eighteen hundred and seventy-one, and secured by mortgage under the provisions of section one, chapter one hundred and seventy of the acts of the year eighteen hundred and eighty-one, and now outstanding, on condition that the principal and interest upon said bonds shall be guaranteed by the Old Colony Railroad Company by an agreement in writing thereon, upon such terms and conditions as may be agreed upon by its directors.

Proceeds to be used for payment of first mortgage bonds issued by Framingham and Lowell Railroad Company.

To be guaranteed by Old Colony Railroad Company.

Lowell and Framingham Railroad Company may mortgage road and franchise to Old Colony Railroad Company.

SECTION 2. The Lowell and Framingham Railroad Company is hereby authorized to mortgage its railroad, franchise and property to the Old Colony Railroad Company, subject, however, to any existing lien or mortgage, upon such terms and conditions as may be agreed upon with the directors of the Old Colony Railroad Company, for the purpose of securing the Old Colony Railroad Company for any guaranty of bonds of the Lowell and Framingham Railroad Company, in accordance with the first section of this act, and any bonds so issued by the Lowell and Framingham Railroad Company, and guaranteed by the Old Colony Railroad Company, shall be computed and treated as a part of the bonded debt of the Old Colony Railroad Company, under the provision of law for the

issue of railroad bonds, and also as a debt of the Lowell and Framingham Railroad Company.

SECTION 3. The issue of said bonds shall be limited so that the whole number of bonds of the Framingham and Lowell Railroad Company and the bonds hereby authorized shall not at any time exceed together the sum of five hundred thousand dollars.

Whole number of bonds issued not to exceed, at any time, \$500,000.

SECTION 4. This act shall take effect upon its passage.

Approved February 6, 1884.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE PRIMARY SCHOOL AT MONSON. *Chap. 12*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for payment of salaries and expenses at the state primary school at Monson, during the year eighteen hundred and eighty-four, to wit: —

Appropriations.

For salaries and wages at the state primary school at Monson, a sum not exceeding seventeen thousand dollars; and for current expenses at said institution a sum not exceeding thirty-four thousand dollars; and for boarding out children a sum not exceeding three thousand dollars.

State primary school at Monson.

Salaries, current expenses, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1884.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE WORKHOUSE. *Chap. 13*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and expenses at the state workhouse, during the year eighteen hundred and eighty-four, to wit: —

Appropriations.

For the payment of salaries and labor at the state workhouse, a sum not exceeding eleven thousand dollars; and for current expenses at said institution, a sum not exceeding twenty-nine thousand dollars.

State workhouse. Salaries and current expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1884.

Chap. 14 AN ACT TO PROVIDE FOR THE CARE AND CUSTODY OF THE COMMONWEALTH BUILDING ON MOUNT VERNON STREET, IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Care and custody of the Commonwealth Building in Boston.

SECTION 1. The sergeant-at-arms, the secretary and the treasurer of the Commonwealth, and the joint standing committee of the legislature on the state house, respectively, shall have the same powers and perform the same duties with relation to the building known as the Commonwealth Building, and appurtenances on Mount Vernon street in the city of Boston, acquired by the Commonwealth under authority of chapter two hundred sixty-two of the acts of the year eighteen hundred eighty-two, that they have by existing laws in relation to the state house.

Amendment to P. S., 5, § 10.

SECTION 2. Section ten of chapter five of the Public Statutes is hereby amended by striking out in the sixth line in said section the words "at the house on Pemberton square," and inserting in place thereof the words "at the Commonwealth Building."

SECTION 3. This act shall take effect upon its passage.

Approved February 6, 1884.

Chap. 15 AN ACT CONCERNING THE EMPLOYMENT OF CLERKS AND OTHER ASSISTANCE IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH.

Be it enacted, etc., as follows :

Additional allowance for clerk hire.

SECTION 1. The secretary of the Commonwealth may employ at an expense not exceeding eleven thousand dollars a year, a messenger and such additional clerks and other assistance as may be necessary for the despatch of public business: *provided*, that no person so employed shall receive compensation or salary at a rate exceeding twelve hundred dollars a year.

Repeal.

SECTION 2. So much of section ten of the fifteenth chapter of the Public Statutes as is inconsistent with this act is hereby repealed.

Approved February 7, 1884.

Chap. 16 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE DISTRICT POLICE FORCE.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of

salaries and expenses of the district police force, during the year eighteen hundred and eighty-four, to wit:—

For the salary of the chief of the district police force, a sum not exceeding one thousand seven hundred dollars. Chief of district police.

For the compensation of the district police force, a sum not exceeding eighteen thousand dollars. District police.

For travelling expenses actually paid by members of said force, a sum not exceeding nine thousand dollars. Travelling expenses.

For incidental and contingent expenses of the district police force, a sum not exceeding two thousand five hundred dollars. Incidental and contingent expenses.

SECTION 2. This act shall take effect upon its passage.

Approved Feburary 12, 1884.

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO EFFECT AN ADDITIONAL WATER LOAN. Chap. 17

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton, for the purposes mentioned in section four of chapter one hundred and twenty-four of the acts of the year eighteen hundred seventy-eight, may issue notes, bonds or scrip from time to time, signed by the treasurer and countersigned by the mayor, to be denominated on the face thereof "Brockton Water Loan," to an amount not exceeding one hundred thousand dollars in addition to the amounts already authorized by law to be issued by the town or city of Brockton for the same purposes; said notes, bonds or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the "Brockton Water Loan," by the town of Brockton: *provided*, that the whole amount of such notes, bonds or scrip issued by said city, together with those issued by said town and city for the same purposes, shall not in any event exceed the amount of three hundred and twenty thousand dollars. May effect an additional water loan.

SECTION 2. This act shall take effect upon its acceptance by a vote of two-thirds of all the members of each branch of the city council of said city of Brockton. To take effect upon acceptance.

Approved February 12, 1884.

AN ACT TO AUTHORIZE THE CITY OF NEWTON TO EFFECT AN ADDITIONAL WATER LOAN. Chap. 18

Be it enacted, etc., as follows:

SECTION 1. The city of Newton, for the purposes mentioned in section five of chapter three hundred and forty- May effect an additional water loan.

four of the acts of eighteen hundred seventy-two, may issue notes, bonds or scrip from time to time, signed by the treasurer and countersigned by the mayor, to be denominated on the face thereof "Newton Water Loan," to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by the town or city of Newton for the same purposes; said notes, bonds and scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the "Newton Water Loan," by the town of Newton: *provided*, that the whole amount of such notes, bonds and scrip issued by said town or city, together with those already authorized, shall not in any event exceed the amount of ten hundred and fifty thousand dollars.

Whole amount
not to exceed
\$1,050,000.

To take effect
upon accept-
ance.

SECTION 2. This act shall take effect upon its acceptance by a vote of two-thirds of all the members of each branch of the city council of said city of Newton.

Approved February 12, 1884.

Chap. 19 AN ACT TO AUTHORIZE THE TOWN OF NORTHBOROUGH TO EFFECT
AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

May effect an
additional water
loan.

SECTION 1. The town of Northborough, for the purposes mentioned in section four of chapter one hundred and ninety-two of the acts of the year eighteen hundred and eighty-two, may issue bonds, notes or scrip to be denominated on the face thereof "Northborough Water Loan," to an amount not exceeding fifteen thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes; said bonds, notes or scrip are to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the "Northborough Water Loan," by said town: *provided*, that the whole amount of such bonds, notes or scrip issued by said town, together with those heretofore issued by said town for the same purposes, shall not in any event exceed the amount of seventy-five thousand dollars.

Whole amount
not to exceed
\$75,000.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1884.

AN ACT TO AUTHORIZE THE TOWN OF WELLESLEY TO EFFECT AN *Chap. 20*
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

SECTION 1. The town of Wellesley, for the purposes mentioned in section five of chapter one hundred and sixty-six of the acts of the year eighteen hundred and eighty-three, may issue notes, bonds or scrip to be denominated on the face thereof "Wellesley Water Loan," to an amount not exceeding seventy-five thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes; said notes, bonds or scrip are to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the "Wellesley Water Loan," by said town: *provided*, that the whole amount of such notes, bonds or scrip issued by said town, together with those heretofore issued by said town for the same purposes, shall not in any event exceed the amount of one hundred and twenty-five thousand dollars.

May effect an additional water loan.

Whole amount not to exceed \$125,000.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1884.

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL EXPENSES. *Chap. 21*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified, to wit: —

For the support of normal schools, a sum not exceeding sixty-two thousand and thirty-four dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes.

For the support of the state normal art school, to include rent, taxes, etc., a sum not exceeding fifteen thousand nine hundred and seventy-five dollars, to be paid from the unappropriated balance of the moiety of the income of the school fund applicable to educational purposes, and the excess, if any, from the treasury.

For teachers' institutes, a sum not exceeding two thousand dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes.

For county teachers' associations, a sum not exceeding

Appropriations.

Normal schools.

Normal art schools.

Teachers' institutes.

County
teachers'
associations.

Massachusetts
teachers'
association.

Salaries and
expenses of
agents.

Incidental
expenses.

Dukes County
teachers'
association.

Aid to pupils
in normal
schools.

Expenses of
board of
education.

Institution for
the blind.

Deaf and
dumb.

State library.

Income of the
Rogers book
fund, etc.

three hundred dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes.

For the Massachusetts teachers' association, the sum of three hundred dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes, subject to the approval of the state board of education.

For the salaries and expenses of the agents of the board of education, a sum not exceeding eight thousand one hundred dollars.

For incidental expenses of the board of education, and for the secretary thereof, a sum not exceeding one thousand two hundred dollars.

For the Dukes county teachers' association, the sum of fifty dollars.

For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual payments, to be expended under the direction of the board of education.

For travelling and other necessary expenses of the board of education, a sum not exceeding four hundred dollars.

For the Perkins institution and Massachusetts school for the blind, the sum of thirty thousand dollars.

For the support of Massachusetts beneficiaries in asylums for the deaf and dumb, and in other institutions of the same character, a sum not exceeding forty thousand dollars.

For the contingent expenses of the state library, to be expended under the direction of the trustees and librarian, a sum not exceeding eight hundred dollars.

The income of the Rogers book fund, of the Todd normal school fund, and of the two technical educational funds, shall be expended in accordance with the provisions of the various acts relating thereto.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1884.

Chap. 22

AN ACT RELATING TO THE DISTRIBUTION OF THE SCHOOL FUND.

Be it enacted, etc., as follows:

Distribution of
the income of
the school fund.

SECTION 1. One half of the annual income of the school fund of the Commonwealth shall be apportioned and distributed without a specific appropriation for the support of public schools, and in the manner following, to wit:— every town complying with all laws in force relat-

ing to the distribution of said income, and whose valuation of real and personal estate, as shown by the last returns thereof, does not exceed one-half million dollars, shall annually receive three hundred dollars; every such town whose valuation is more than one-half million dollars, and does not exceed one million dollars shall receive two hundred dollars; every such town whose valuation is more than one million and does not exceed three million dollars shall receive one hundred and fifty dollars. The remainder of said half shall be distributed to all the cities and towns whose valuation does not exceed ten million dollars, in proportion to the number of persons between five and fifteen years of age belonging to each. All money appropriated for other educational purposes, unless otherwise specially provided, shall be paid from the other half of said income. If the income in any year exceeds such appropriations, the surplus shall be added to the principal of said fund.

SECTION 2. Section three of chapter forty-three of the Public Statutes is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved February 14, 1884.

AN ACT TO CHANGE THE NAME OF "THE PROPRIETORS OF THE MEETING-HOUSE IN HOLLIS STREET IN THE TOWN OF BOSTON." Chap. 23

Be it enacted, etc., as follows:

SECTION 1. The name of the religious society known as "The Proprietors of the Meeting-House in Hollis Street in the town of Boston," is changed to and shall hereafter be known by the name of "Hollis Street Church." Name changed to Hollis Street Church.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1884.

AN ACT TO CHANGE THE NAME OF THE "CHAPEL CONGREGATIONAL CHURCH IN CAMBRIDGEPORT." Chap. 24

Be it enacted, etc., as follows:

SECTION 1. The name of the "Chapel Congregational Church in Cambridgeport," a religious society organized under the general laws of the Commonwealth on the second day of March in the year eighteen hundred and eighty-three, is changed to the "Wood Memorial Church in Cambridgeport." Name changed to Wood Memorial Church in Cambridgeport.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1884.

Chap. 25 AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING
SUNDRY PUBLIC DOCUMENTS, AND FOR OTHER PURPOSES.

Be it enacted, etc., as follows :

- Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December eighteen hundred and eighty-four, to wit : —
- Printing and binding public documents. For printing and binding the public series of documents under the direction of the secretary of the Commonwealth, a sum not exceeding thirty thousand dollars.
- Pamphlet edition of acts and resolves. For printing the pamphlet edition of the acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding thirty-three hundred dollars.
- "Blue Book." For printing and binding the "blue book" edition of the acts and resolves of the present year, with the governor's message, and other matters, in the usual form, a sum not exceeding three thousand dollars.
- Newspaper publication. For the newspaper publication of the general laws and all information intended for the public, a sum not exceeding five hundred dollars.
- Assessors' books and registration blanks. For assessors' books and registration blanks furnished cities and towns by the secretary of the Commonwealth, a sum not exceeding one thousand five hundred dollars.
- Provincial statutes. For preparation for publication and for the publication of the provincial statutes, a sum not exceeding five thousand seven hundred and fifty-eight dollars ; and for printing volume five province laws, a sum not exceeding three thousand dollars, and printing one hundred extra copies of volume two province laws, a sum not exceeding two hundred and fifty dollars.
- Term reports. For reports of decisions of the supreme judicial court, a sum not exceeding one thousand six hundred dollars.
- Editing registration report. For editing the registration report, under the direction of the secretary of the Commonwealth, a sum not exceeding five hundred dollars.
- Paper for the Commonwealth. For the purchase of paper for the Commonwealth, under the direction of the secretary of the Commonwealth, a sum not exceeding fifteen thousand dollars.
- Tables and indexes to statutes. For the preparation of tables and indexes relating to the statutes of the present year and subsequent years,

under the direction of the governor, a sum not exceeding three hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1884.

AN ACT TO AUTHORIZE THE MASSACHUSETTS HOMŒOPATHIC HOSPITAL TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 26

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts Homœopathic Hospital is authorized for the purposes set forth in its act of incorporation to hold property to the amount of six hundred thousand dollars, of which one-half may be in real estate.

May hold additional estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1884.

AN ACT TO AUTHORIZE THE AMERICAN UNITARIAN ASSOCIATION TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 27

Be it enacted, etc., as follows:

SECTION 1. The American Unitarian Association is authorized for the purposes set forth in its act of incorporation to hold real and personal estate to an amount not exceeding four hundred thousand dollars in addition to what is now authorized by law.

May hold additional estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1884.

AN ACT AUTHORIZING THE UNITED STATES HOTEL COMPANY TO INCREASE ITS CAPITAL STOCK.

Chap. 28

Be it enacted, etc., as follows:

SECTION 1. The United States Hotel Company is authorized, subject to the provisions of the general laws relating to corporations, to increase from time to time its capital stock to an amount not exceeding the limit fixed by its charter.

May increase capital stock.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1884.

AN ACT TO AUTHORIZE THE TOWN OF NATICK TO ISSUE SECURITIES FOR THE PURPOSE OF MEETING CERTAIN WATER BONDS

Chap. 29

Be it enacted, etc., as follows:

SECTION 1. The town of Natick for the purpose of renewing certain water bonds which were authorized by section five of chapter seventy-six of the acts of eighteen

May issue bonds, etc., for renewal of certain water bonds.

hundred seventy-three, now becoming due, may issue notes, bonds or scrip, to be denominated on the face thereof "Natick Water Loan," to an amount not exceeding eighty-five thousand dollars, bearing interest not exceeding five per centum per annum, payable semi-annually, the principal being payable at periods not more than twenty years from the date of issuing said notes, bonds or scrip.

May sell or
pledge secur-
ities.

Sinking fund to
be established.

SECTION 2. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper; and it shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall contribute thereto from year to year an amount sufficient with its accumulations to pay the principal of said loan at maturity; which sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

SECTION 3. This act shall take effect upon its passage.

Approved February 18, 1884.

Chap. 30 AN ACT TO CONFIRM A DEED FROM THE PROPRIETORS OF THE LOCKS AND CANALS ON CONNECTICUT RIVER TO THE HOLYOKE WATER POWER COMPANY, AND TO DISSOLVE THE FIRST NAMED CORPORATION.

Be it enacted, etc., as follows:

Deed of the
Proprietors of
the Locks and
Canals on Conn.
River to the
Holyoke Water
Power Com-
pany, con-
firmed.

SECTION 1. The deed of the Proprietors of the Locks and Canals on Connecticut River to the Holyoke Water Power Company, dated the twenty-fourth day of November, A. D. eighteen hundred eighty-three, and recorded in the registry of deeds for the county of Hampden, book four hundred and two, page one hundred and twenty-one, and in the registry of deeds for the county of Hampshire, book three hundred and eighty-four, page three hundred and fifty-seven, is hereby authorized, sanctioned and confirmed, and the Holyoke Water Power Company shall be deemed and taken to have thereby acquired, and shall exercise and enjoy all the property, estates, powers and privileges which the proprietors of the locks and canals on Connecticut River owned, possessed and enjoyed at the time of said deed, and which said proprietors undertook thereby to convey and release to the Holyoke Water Power Company, subject to all the duties, liabilities and restrictions set forth in all general or special laws which

then were or thereafter might be in force relating to such companies or either of them.

SECTION 2. The proprietors of the locks and canals on Connecticut River shall, from and after the passage of this act, cease to be a corporation in the same manner and to all intents as if the act incorporating said company and the several acts in addition thereto would then have expired by their own limitation.

Corporation dissolved.

SECTION 3. This act shall take effect upon its passage.

Approved February 18, 1884.

AN ACT TO AUTHORIZE THE INDUSTRIAL SCHOOL FOR GIRLS TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap. 31*

Be it enacted, etc., as follows :

SECTION 1. The Industrial School for Girls, incorporated by chapter eighteen of the acts of the year eighteen hundred and fifty-five, is hereby authorized to hold real and personal estate to an amount not exceeding one hundred thousand dollars.

The Industrial School for Girls may hold additional estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1884.

AN ACT MAKING APPROPRIATIONS FOR COMPENSATION AND MILEAGE OF OFFICERS AND MEN OF THE VOLUNTEER MILITIA, AND FOR OTHER EXPENSES OF THE MILITARY DEPARTMENT. *Chap. 32*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-four, to wit : —

Appropriations.

For the compensation of officers and men of the volunteer militia, a sum not exceeding seventy thousand dollars.

Compensation.

For transportation of officers and men of the volunteer militia while on military duty, a sum not exceeding thirteen thousand dollars.

Transportation.

For incidental and contingent expenses of the adjutant-general's department, a sum not exceeding three thousand dollars.

Adjutant General.

For rent of brigade and battalion headquarters and company armories, a sum not exceeding thirty-one thousand dollars.

Headquarters and armories.

Quartermaster-General.	For incidental and contingent expenses of the quartermaster-general's department, a sum not exceeding five thousand dollars.
Quartermasters' supplies.	For quartermasters' supplies, a sum not exceeding twelve thousand dollars.
Care of camp ground.	For grading and care of the camp ground of the state at Framingham, a sum not exceeding five hundred dollars.
Military accounts.	For military accounts in connection with the volunteer militia, not otherwise provided for, a sum not exceeding four thousand dollars.
Medical supplies.	For medical supplies for the use of the volunteer militia, a sum not exceeding five hundred dollars.
Surgeon-General.	For incidental and contingent expenses of the surgeon-general, a sum not exceeding five hundred dollars.
Record of officers, etc.	For expenses in connection with the record of Massachusetts officers, sailors and marines, a sum not exceeding five hundred dollars.
Proceeds of sale to be applied to purchase of military supplies.	Any sums of money received under the provisions of section eighty-eight of chapter fourteen of the Public Statutes, and from the sale of grass at the state camp ground, may be expended by the quartermaster-general under the direction of the governor and council for the purchase of other military supplies, and for the care and improvement of said ground.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1834.

Chap. 33 AN ACT TO RATIFY AND CONFIRM THE PROCEEDINGS OF FIRE DISTRICT
NUMBER ONE OF NORTH ATTLEBOROUGH.

Be it enacted, etc., as follows:

Proceedings confirmed.

SECTION 1. The meetings heretofore held by the inhabitants of Fire District Number One, North Attleborough, under and by virtue of the acts of the legislature of Massachusetts relating to fire districts or of chapter one hundred eighty-one of the acts of eighteen hundred eighty-three, the votes and proceedings of said meetings, and all bonds and contracts authorized by said acts and by vote of such meetings, are hereby ratified, confirmed and made valid so far as the same may have been invalid from want of strict conformity to the requirements of said acts or from defects in the records of any such meetings.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1834.

AN ACT TO EXTEND THE LIMITATION OF TIME FOR THE PAYMENT OF STATE AID TO INVALID PENSIONERS AND THEIR DEPENDENT RELATIVES. *Chap. 34*

Be it enacted, etc., as follows :

SECTION 1. The limitation of time for the payment of state aid named in sections two and nine of chapter thirty of the Public Statutes is hereby extended to the first day of January eighteen hundred and ninety ; and all the provisions of said chapter in any way relating to the payment of state aid to invalid pensioners and their dependent relatives shall remain and continue in force as they now are, till the said first day of January eighteen hundred and ninety.

Time of payment of state aid to invalid pensioners, etc., to be extended.

SECTION 2. This act shall take effect on the first day of January eighteen hundred and eighty-five.

Approved February 27, 1884.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE CHARLES RIVER EMBANKMENT COMPANY SHALL PERFORM CERTAIN WORK. *Chap. 35*

Be it enacted, etc., as follows :

SECTION 1. The time within which the Charles River Embankment Company is required by section five of chapter two hundred and eleven of the acts of the year eighteen hundred and eighty-one, to deposit on the territory described in said act not less than three hundred thousand cubic yards of earth dredged from Charles River basin, in such localities and to such depths as the harbor and land commissioners shall prescribe, is hereby extended to the first day of May in the year eighteen hundred and eighty-six.

Time extended within which Charles River Embankment Company shall perform certain work.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1884.

AN ACT TO AUTHORIZE THE WEST SPRINGFIELD AQUEDUCT COMPANY TO ISSUE BONDS. *Chap. 36*

Be it enacted, etc., as follows :

SECTION 1. The West Springfield Aqueduct Company in addition to the powers granted under chapter one hundred and thirty-eight of the acts of the year eighteen hundred and seventy-five may issue bonds and secure the same by a mortgage on its franchise and other property, to an amount not exceeding its capital stock actually paid in and applied to the purposes mentioned in the said act.

May issue bonds and secure by mortgage.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1884.

Chap. 37 AN ACT RELATING TO ACTIONS FOR INJURIES RECEIVED ON THE LORD'S DAY.

Be it enacted, etc., as follows :

Provisions of P. S. 98, not to constitute a defence.

SECTION 1. The provisions of chapter ninety-eight of the Public Statutes relating to the observance of the Lord's day shall not constitute a defence to an action for a tort or injury suffered by a person on that day.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1884.

Chap. 38 AN ACT TO ESTABLISH THE SALARY OF THE EXECUTIVE MESSENGER.

Be it enacted, etc., as follows :

Salary established.

SECTION 1. The annual salary of the executive messenger shall be nine hundred dollars from the first day of January in the year eighteen hundred and eighty-four.

Repeal.

SECTION 2. So much of section six of chapter fifteen of the Public Statutes as is inconsistent with this act is hereby repealed.

Approved February 27, 1884.

Chap. 39 AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT THE PRESENT YEAR.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, for the purposes specified, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, to meet current expenses of the year ending on the thirty-first day of December, eighteen hundred and eighty-four, to wit :—

Printing and binding, ordered by legislature.

For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding twenty thousand dollars.

Senate stationery.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding nine hundred dollars.

House stationery.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding sixteen hundred dollars.

Sergeant-at-arms, stationery, etc.

For books, stationery, printing and advertising ordered by the sergeant-at-arms, a sum not exceeding eight hundred dollars.

Incidental and contingent expenses.

For incidental and contingent expenses of the sergeant-at-arms, a sum not exceeding three hundred dollars.

For postage, printing and stationery of the executive council, a sum not exceeding five hundred dollars. Council, printing and stationery.

For contingent expenses of the governor and council, a sum not exceeding one thousand five hundred dollars. Governor and council, expenses.

For the contingent expenses of the executive department, the sum of three thousand dollars. Executive department, expenses.

For postage, printing and stationery of the executive department, a sum not exceeding eight hundred dollars. Postage, printing and stationery.

STATE HOUSE EXPENSES, ETC.

For fuel and lights for the state house, a sum not exceeding six thousand dollars. State house, fuel and lights.

For repairs, improvements and furniture of the state house, a sum not exceeding ten thousand dollars. Repairs and furniture.

For repairs, improvements and furniture at the Commonwealth building, a sum not exceeding five thousand dollars. Commonwealth building.

INCIDENTAL AND CONTINGENT EXPENSES.

For incidental expenses in the department of the secretary of the Commonwealth, a sum not exceeding three thousand dollars. Incidental expenses, — Secretary.

For incidental expenses in the department of the treasurer and receiver-general, a sum not exceeding one thousand six hundred dollars. Treasurer.

For incidental and contingent expenses in the tax commissioner's department, a sum not exceeding three thousand dollars. Tax commissioner.

For incidental expenses of the commissioner of corporations, a sum not exceeding four hundred dollars. Commissioner of corporations.

For expenses of the state valuation, a sum not exceeding three thousand dollars. State valuation.

For incidental expenses in the department of the auditor of the Commonwealth, a sum not exceeding seven hundred dollars. Auditor.

For compensation and expenses of the commissioners on inland fisheries, a sum not exceeding five thousand four hundred and ninety dollars. Commissioners on inland fisheries.

For travelling and other necessary expenses of the harbor and land commissioners, a sum not exceeding one thousand dollars. Harbor and land commissioners.

For incidental and contingent expenses of the harbor and land commissioners, a sum not exceeding five hundred dollars. Incidental and contingent expenses.

Insurance
commissioner.

For incidental expenses of the insurance commissioner's department, a sum not exceeding three thousand dollars.

Railroad
commissioners.

For compensation of experts or other agents, for rent of office and for incidental and contingent expenses of the railroad commissioners, a sum not exceeding four thousand five hundred and fifty dollars.

Commissioners
on savings
banks.

For travelling and incidental expenses of the commissioners on savings banks, the same to include expenses incurred in auditing the accounts of county officers, a sum not exceeding one thousand five hundred dollars.

Attorney-
general.

For incidental expenses of the attorney-general, a sum not exceeding one thousand one hundred dollars; and for expenses of civil actions, a sum not exceeding three hundred dollars.

Inspectors of
gas-meters.

For travelling expenses of the inspector and assistant inspector of gas meters, a sum not exceeding six hundred dollars; and for furnishing such additional apparatus as the inspector of gas meters may find necessary, a sum not exceeding two hundred dollars.

Contagious
diseases among
horses and
cattle.

For the purpose of exterminating contagious diseases among horses and cattle, a sum not exceeding one thousand five hundred dollars.

Reimbursement
for state and
military aid.

For the re-imbursement of cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding three hundred and seventy-five thousand eight hundred dollars; the same to be payable on or before the first day of December of the present year.

Postage, print-
ing, etc.

For postage, printing and all other necessary expenses in carrying out the provisions of the state and military aid laws, a sum not exceeding five hundred dollars.

Bounties to
soldiers.

For payment of bounties due to Massachusetts soldiers, a sum not exceeding one thousand dollars.

AGRICULTURAL.

Bounties to
societies.

For bounties to agricultural societies, a sum not exceeding seventeen thousand two hundred dollars.

Expenses of
board.

For travelling and necessary expenses of the members of the board of agriculture, a sum not exceeding one thousand six hundred dollars.

Expenses of
secretary.

For travelling and other necessary expenses of the secretary of the board of agriculture, a sum not exceeding five hundred dollars.

For incidental expenses of the board of agriculture, a sum not exceeding five hundred dollars.

Incidental expenses.

For maintaining an agricultural experimental station at the Massachusetts agricultural college, in the town of Amherst, the sum of five thousand dollars.

Agricultural experimental station.

For the Massachusetts agricultural college, for the purpose of providing eighty free scholarships, the sum of ten thousand dollars.

Free scholarships.

The fees under section twelve of chapter sixty of the Public Statutes are hereby appropriated to be used in accordance with the provisions of said section.

Analysis of fertilizers.

MISCELLANEOUS.

For expenses in connection with the removal of wrecks and other obstructions from tide waters, a sum not exceeding five thousand dollars.

Removal of wrecks.

For the payment of unclaimed moneys in the hands of receivers of certain insolvent corporations, after the same has been deposited in the state treasury, a sum not exceeding ten thousand dollars; and for expenses in connection therewith, a sum not exceeding two hundred dollars.

Moneys in hands of receivers of certain insolvent corporations.

To carry out the provisions of the act relative to the payment by the treasurer of the Commonwealth of funds received from public administrators, a sum not exceeding four thousand dollars.

Funds received from public administrators.

For additional compensation for the clerks of the senate and house of representatives for the year eighteen hundred and eighty-three, one thousand dollars.

Clerks of senate and house.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year eighteen hundred and eighty-three, the sum of three hundred dollars.

Roads in Mashpee.

To the sheriffs of the different counties for distributing proclamations, blanks, and making return of votes, a sum not exceeding five hundred dollars.

Sheriffs.

For weights, measures, balances and reports for sundry newly incorporated towns, a sum not exceeding eight hundred dollars.

Weights and measures.

For travelling and other necessary expenses of the trustees of the state primary, reform and industrial schools, a sum not exceeding one thousand two hundred dollars.

Travelling expenses of trustees, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1884.

Chap. 40 AN ACT TO DIVIDE THE COUNTY OF WORCESTER INTO TWO DISTRICTS FOR THE REGISTRY OF DEEDS.

Be it enacted, etc., as follows:

Two districts
for the registry
of deeds.

SECTION 1. The county of Worcester is divided into two districts for the registry of deeds, as follows:— The city of Fitchburg and the towns of Lunenburg, Leominster, Westminster and Ashburnham constitute the Northern District, and the office thereof shall be kept in the court house in the city of Fitchburg. The remainder of said county constitutes the Worcester District, and the office thereof shall be kept in the city of Worcester.

Register for
Worcester
county to be
register for
Worcester
district.

SECTION 2. The present register of deeds for Worcester county shall be the register of said Worcester District until some other person is chosen and qualified in his stead. All laws in force when this act shall take effect, relative to registers and registries of deeds, shall apply to the above districts hereby created.

Register for
northern dis-
trict to be
appointed.

SECTION 3. The governor and council shall, on or before the first day of June next, appoint some suitable person to be the register of deeds for said Northern District, until some person is chosen and qualified in his stead.

Certain deeds to
be delivered to
register for
northern dis-
trict.

SECTION 4. The register of deeds for said Worcester District shall, on demand, deliver to the custody of the register of deeds for said Northern District all the original deeds and other instruments recorded and remaining in the office of the former, conveynig or relating to land or estates situated in said last named district.

When to take
effect.

SECTION 5. This act shall take effect on the first day of August next, excepting as to the appointment of register as is provided in the third section hereof, and for this latter purpose it shall take effect on the first day of May next.

Approved February 29, 1884.

Chap. 41 AN ACT TO AUTHORIZE THE TRUSTEES OF THE EPISCOPAL THEOLOGICAL SCHOOL AT CAMBRIDGE TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold real
and personal
estate to the
amount of
\$1,500,000.

The trustees of the Episcopal Theological School at Cambridge are hereby authorized to hold real and personal estate to the amount of one million and five hundred thousand dollars, for the purposes named in their act of incorporation; and no device, bequest or conveyance

heretofore made to said corporation shall be invalid by reason of the limit heretofore imposed by their act of incorporation.

Approved February 29, 1884.

AN ACT TO AUTHORIZE TOWNS TO GRANT AND VOTE MONEY FOR Chap. 42
CERTAIN MEMORIAL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Towns may at legal meetings grant and vote such sums as they judge necessary for the purpose of erecting headstones or other monuments to the memory of persons who, accredited to their respective quotas, served in the military or naval service of the United States in the revolutionary war, the war of eighteen hundred and twelve, the Seminole war, and the Mexican war, and for keeping in repair and decorating such monuments and the graves of such persons.

Towns may grant money for certain memorial purposes.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1884.

AN ACT IN RELATION TO THE SALARIES AND DUTIES OF CERTAIN Chap. 43
OFFICERS OF THE REFORMATORY PRISON FOR WOMEN.

Be it enacted, etc., as follows:

SECTION 1. The chaplain of the reformatory prison for women shall in addition to her other duties act as teacher, and shall in that capacity have charge of the prison school and instruction of the prisoners, under such rules as shall from time to time be established by the superintendent and approved by the commissioners of prisons.

Chaplain of the prison to act as teacher.

SECTION 2. The office of school-mistress in said prison is hereby abolished.

Office abolished.

SECTION 3. The salary of the deputy superintendent of said prison shall be fixed by the commissioners of prisons, but shall not exceed eight hundred dollars per annum.

Salary of the deputy superintendent.

SECTION 4. So much of chapter two hundred and twenty-one of the Public Statutes as is inconsistent with this act is hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved March 1, 1884.

Chap. 44 AN ACT TO AUTHORIZE THE STATE MUTUAL LIFE ASSURANCE COMPANY OF WORCESTER TO PURCHASE AND HOLD ADDITIONAL REAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real estate.

SECTION 1. The State Mutual Life Assurance Company of Worcester, incorporated under chapter one hundred and seventy-seven of the acts of the year eighteen hundred and forty-four, is authorized to purchase and hold real estate to an amount not exceeding two hundred thousand dollars, subject, however, to the provisions of chapter twenty-five of the acts of the year eighteen hundred and sixty-six.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1884.

Chap. 45 AN ACT TO PROVIDE FOR AN ALLOWANCE TO CERTAIN OFFICERS IN THE VOLUNTEER MILITIA.

Be it enacted, etc., as follows:

Allowance to officers for care of military property.

SECTION 1. There shall be allowed and paid to each cadet corps commander and to each company commander in the volunteer militia, for the care of and responsibility for the military property of the Commonwealth in their charge, the sum of fifty dollars per annum.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1884.

Chap. 46 AN ACT TO ENABLE THE TOWN OF EVERETT TO RAISE MONEY TO EXTEND ITS WATER PIPES.

Be it enacted, etc., as follows:

May raise money to extend water pipes.

SECTION 1. The town of Everett is hereby authorized to raise by taxation, annually, a sum of money not exceeding two thousand dollars, and appropriate the same to repairing, laying and extending the water pipes of said town used for supplying the inhabitants thereof with water.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1884.

Chap. 47 AN ACT TO PROVIDE FOR THE ABANDONMENT OF THE MELVILLE AVENUE STATION AND THE RE-LOCATION OF THE CENTRE STREET STATION ON THE OLD COLONY RAILROAD.

Be it enacted, etc., as follows:

Melville station may be abandoned and

SECTION 1. The board of railroad commissioners is hereby authorized, at any time prior to the first day of

October in the year eighteen hundred eighty-four, to allow the Old Colony Railroad Company to abandon its station known as the "Melville Station" on that part of its road known as the "Shawmut Branch," and without further authority to re-locate its station known as the "Centre Street Station" at some convenient point to be designated by the board between where said "Melville" and "Centre Street" stations now stand.

Centre Street station re-located.

SECTION 2. Before authorizing such abandonment or re-location said board shall give a hearing, after such public notice as it may deem proper, to all parties interested, and if it grants such authority may impose upon said Old Colony Railroad Company such terms and conditions as it may consider just and equitable to all parties concerned.

Railroad commissioners to give a hearing.

SECTION 3. This act shall take effect upon its passage.

Approved March 1, 1884.

AN ACT TO INCORPORATE THE BLACKSTONE VALLEY AGRICULTURAL SOCIETY.

Chap. 48

Be it enacted, etc., as follows:

SECTION 1. Moses Taft, Robert Taft, Daniel W. Taft, Henry M. Taft and George W. Hobbs and their associates and successors within the towns of Uxbridge, Blackstone, Douglas, Northbridge, Upton, Mendon and Milford are hereby made a corporation under the name of the Blackstone Valley Agricultural Society, to be located at Uxbridge, for the encouragement of agriculture, horticulture and the arts, by premiums and other means, with the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations; and said corporation is hereby authorized to hold by purchase, gift, devise or otherwise real and personal estate to an amount not exceeding fifteen thousand dollars.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1884.

AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-THREE.

Chap. 49

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Common-

Appropriations.

wealth, from the ordinary revenue, for the purposes specified herein, to wit: —

Secretary's
expenses.

For incidental expenses in the department of the secretary of the Commonwealth, three hundred and fifteen dollars and twenty-seven cents, which sum shall be paid from the appropriation of said department for incidental expenses for the present year.

Danvers lunatic
hospital.

For the support of state lunatic paupers at the Danvers lunatic hospital, forty-two dollars and seventy-one cents.

Worcester
lunatic hospital.

For the support of state lunatic paupers at the Worcester lunatic hospital, two thousand and twenty-four dollars and sixty-two cents.

State alms-
house.

For current expenses at the state almshouse at Tewksbury, seven thousand six hundred and thirty-one dollars and thirty-eight cents.

State house
repairs, etc.

For expenses in connection with the extra repairs, improvements and furniture at the state house, ten thousand seven hundred and thirty dollars and ten cents.

Expenses,
senate and
house.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, four hundred and fifty-seven dollars and forty-five cents.

Fuel and lights.

For fuel and lights for the state house, four hundred and seventy-five dollars and eighty-two cents.

No. 33 Pember-
ton Square.

For sundry expenses in connection with house numbered thirty-three Pemberton Square, and the removal therefrom, three hundred and sixty-nine dollars and seventy-six cents.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1884.

Chap. 50 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE PRISON, THE REFORMATORY PRISON FOR WOMEN, AND FOR EXPENSES IN CONNECTION THEREWITH.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, for the purposes herein specified, from the ordinary revenue, to meet expenses for the year ending on the thirty-first day of December, eighteen hundred and eighty-four, to wit: —

State prison.

For payment of salaries at the state prison at Concord, a sum not exceeding fifty-seven thousand dollars; and for other current expenses at said institution, a sum not exceeding seventy-three thousand dollars.

For the payment of salaries at the reformatory prison for women at Sherborn, a sum not exceeding twenty-one thousand dollars; and for other current expenses at said institution, a sum not exceeding forty-one thousand eight hundred dollars.

Reformatory
prison for
women.

For the salary of the agent for aiding convicts discharged from the state prison, one thousand dollars; and for expenses of said agent, a sum not exceeding three thousand dollars, to be used in rendering assistance to said convicts.

Agent for dis-
charged con-
victs.

For the salary of the agent for aiding female convicts discharged from the prisons of this Commonwealth, a sum not exceeding seven hundred dollars; and for expenses of said agent, and for assistance to said convicts, a sum not exceeding twenty-three hundred dollars.

Agent for
female convicts.

For expenses incurred in removing prisoners to and from the reformatory prison for women, a sum not exceeding two hundred dollars.

Removing
prisoners.

For payment of the cost of supporting prisoners removed from the reformatory prison for women, a sum not exceeding two hundred dollars.

Support of
prisoners.

For incidental and contingent expenses of the commissioners of prisons, a sum not exceeding eight hundred dollars.

Commissioners
of prisons.

For travelling expenses of the commissioners of prisons and the secretary thereof, a sum not exceeding eight hundred dollars.

Travelling
expenses.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding two thousand dollars.

Fugitives from
justice.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1884.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
AT THE STATE REFORM SCHOOL FOR BOYS AND THE STATE INDUS-
TRIAL SCHOOL FOR GIRLS.

Chap. 51

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified herein.

Appropriations.

For the payment of salaries at the state reform school for boys, at Westborough, for the term of six months ending on the thirtieth day of June eighteen hundred and eighty-four, a sum not exceeding eight thousand dollars;

Reform school
for boys.

and for other current expenses at said institution, a sum not exceeding ten thousand dollars.

Industrial
school for girls.

For the payment of salaries at the state industrial school for girls, at Lancaster, for the year ending on the thirty-first day of December eighteen hundred and eighty-four, a sum not exceeding six thousand dollars; and for other current expenses at said institution, a sum not exceeding ten thousand three hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1884.

Chap. 52 AN ACT PROHIBITING THE LOCKING OF THE DOORS OF BUILDINGS, WHEREIN OPERATIVES ARE EMPLOYED, DURING THE HOURS OF LABOR.

Be it enacted, etc., as follows :

Doors not to be
locked during
hours of labor.

SECTION 1. No outside or inside doors of any building, wherein operatives are employed, shall be so locked, bolted or otherwise fastened during the hours of labor as to prevent free egress.

Penalty.

SECTION 2. Any person, firm or corporation being the owner, lessee or occupant of any such building who shall, after receiving five days' notice in writing from one of the inspectors of factories and public buildings, neglect or refuse to comply with the provisions of the preceding section, shall forfeit to the use of the Commonwealth not less than ten nor more than fifty dollars.

To be enforced
by inspectors.

SECTION 3. The inspectors of factories and public buildings shall enforce the provisions of this act.

SECTION 4. This act shall take effect upon its passage.

Approved March 1, 1884.

Chap. 53 AN ACT AUTHORIZING THE CHARLES RIVER STREET RAILWAY COMPANY TO ISSUE MORTGAGE BONDS.

Be it enacted, etc., as follows :

May issue bonds
not exceeding
\$500,000.

SECTION 1. The Charles River Street Railway Company from time to time by the vote of a majority in interest of its stockholders, at meetings called for the purpose, may issue coupon or registered bonds to an amount not exceeding five hundred thousand dollars, for a term not exceeding twenty years from the date thereof: *provided*, that the amount of bonds so issued under the provisions of this act shall at no time exceed the amount of stock actually subscribed for and paid in at par at that time;

and to secure payment thereof, with interest thereon, the said company may make a mortgage of its road and franchise and any part or all of its other property, and may include in such mortgage property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or otherwise in due course of business dispose of property included in such mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its road; provided, that an equivalent in value be substituted in lieu thereof.

May mortgage
road and
fixtures.

SECTION 2. All bonds so issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

Bonds to be
certified.

SECTION 3. This act shall take effect upon its passage.

Approved March 1, 1884.

AN ACT TO INCORPORATE THE WASHINGTON MILLS COMPANY.

Be it enacted, etc., as follows:

Chap. 54

SECTION 1. Frederick Ayer, Nathaniel G. White and John S. Farlow, their associates and successors, are hereby made a corporation by the name of the Washington Mills Company, for the purpose of manufacturing cotton, woolen and mixed goods, in the city of Lawrence; and for this purpose shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

Corporators.

Name and
purpose.

Powers and
duties.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate necessary and convenient for its business, to an amount not exceeding fifteen hundred thousand dollars, and the whole capital stock shall not exceed two million dollars, divided into shares of one hundred dollars each: *provided, however,* that said corporation shall not go into operation until five hundred thousand dollars of its capital stock is paid in.

Real estate and
capital stock.

SECTION 3. This act shall take effect upon its passage.

Approved March 1, 1884.

AN ACT RELATING TO THE PAYMENT BY INSURANCE COMPANIES
FOR THE VALUATION OF THEIR POLICIES.

Chap. 55

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and fifty-seven of chapter one hundred and nineteen of the Public Statutes is amended so as to read as follows: —

Amendment to
P. S. 119, § 157.

Payment by insurance companies for valuation of policies.

“Every insurance company doing business in this Commonwealth shall annually pay into the treasury of the same, by the way of compensation for the valuation of its policies, five mills on every thousand dollars insured by it on lives.”

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1884.

Chap. 56 AN ACT TO LIMIT THE LIABILITY WHICH MAY BE INCURRED BY ANY ONE PERSON TO SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

Be it enacted, etc., as follows:

Limit of liability to be incurred by one person.

SECTION 1. Clause sixth of section twenty of chapter one hundred and sixteen of the Public Statutes relating to investments by savings banks and institutions for savings in bonds and other personal securities is hereby amended by adding thereto the following words: “*provided, that the total liabilities to any such corporation, of any person, or of any partnership, company or corporation, for money borrowed upon personal security, including in the liabilities of a partnership, company or corporation the liabilities of the several members thereof, shall at no time exceed five per cent. of such deposits and income.*”

Proviso.

SECTION 2. This act shall take effect upon its passage.

[Repealed, 1884, Ch. 168.] Approved March 3, 1884.

Chap. 57 AN ACT AUTHORIZING THE CITY OF NEW BEDFORD TO COMPENSATE ITS BOARD OF ALDERMEN.

Be it enacted, etc., as follows:

Aldermen to receive salaries.

SECTION 1. The aldermen of the city of New Bedford shall receive one hundred dollars each per annum for their compensation. This act shall apply to the aldermen now in office as well as to those who may hereafter be elected to the office of aldermen in said city. All acts and parts of acts inconsistent herewith are hereby repealed.

To take effect upon acceptance.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city.

Approved March 5, 1884.

Chap. 58 AN ACT IN RELATION TO STATEMENTS MADE BY FOREIGN FIRE INSURANCE COMPANIES TO THE INSURANCE COMMISSIONER.

Be it enacted, etc., as follows:

Statements made by foreign

SECTION 1. Any foreign fire insurance company doing business within this Commonwealth may at its option

include in its statements to the insurance commissioner its foreign business and assets, but shall be required to return only the business done in the United States, and the assets held by or for it within the United States for the protection of policy holders therein.

insurance
companies.

SECTION 2. A company which does not make a return to the insurance commissioner of its foreign business and assets shall not make any publication, announcement or advertisement of the same within this Commonwealth.

Company not
making return
shall not adver-
tise in this state.

SECTION 3. It shall be the duty of the insurance commissioner to revoke the certificate of authority to do business in this Commonwealth granted in behalf of any company violating the provisions of the second section of this act.

Certificate may
be revoked.

Approved March 6, 1884.

AN ACT TO SUPPLY THE TOWN OF MIDDLEBOROUGH WITH WATER
OR TO AUTHORIZE THE MIDDLEBOROUGH FIRE DISTRICT TO FURNISH A WATER SUPPLY.

Chap. 59

Be it enacted, etc., as follows :

SECTION 1. The town of Middleborough is hereby authorized to take and hold in said town the water of Namasket River, or of any springs or natural brooks within the water shed of said river in said Middleborough, or the water of Assawampsett Pond, and convey the same into and through the said town of Middleborough and through that part of the town of Lakeville lying between Assawampsett Pond and said Middleborough on the westerly side of said Namasket River, for the use of said Middleborough and the inhabitants thereof, for domestic and manufacturing purposes, and the extinguishment of fires ; and may also take and hold by purchase or otherwise lands or estates for the construction of such works as may be necessary therefor, and for laying and maintaining aqueducts or pipes, constructing and maintaining reservoirs, and such other works as may be necessary for conveying, raising, retaining and distributing said water.

May take water
of Namasket
River, etc.

May take land
for construction
of works.

SECTION 2. Said town, for the purposes aforesaid, may lay pipes, build aqueducts and maintain the same by any works suitable therefor, either in the town of Middleborough or Lakeville ; may provide and maintain the necessary machinery for raising the water above the source of supply ; may erect such structures as may be necessary for preserving the works ; may construct and maintain proper dams and reservoirs, and establish such public

May lay pipes
and build
aqueducts.

May construct
dams and
reservoirs.

May establish
water rates.

fountains and hydrants as are at any time deemed proper, and may change or discontinue the same; may distribute the water throughout said town or any part thereof, regulate its use, and establish the rates to be paid therefor. Said town, for the purposes aforesaid, may carry its pipes and other works over or under any water-course, drain, sewer, pipe, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same; and may do any other acts or things necessary and proper in executing the purposes and intentions of this act. Said town of Middleborough shall, within ninety days after the taking of any lands, water sources or water rights as aforesaid, otherwise than by purchase, file in the registry of deeds for the county of Plymouth a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the water commissioners hereinafter provided for.

To file in
registry of deeds
a description of
the land taken.

Liability for
damages.

SECTION 3. Said town shall be liable to pay all damages sustained by any person or corporation by taking any land, water, water rights or property, or by the constructing of any aqueduct, reservoir or other works for the purposes aforesaid, and if any person or corporation sustaining damages as aforesaid cannot agree with the town upon the amount of said damages, he or it may have them assessed and determined in the same manner as is provided when land is taken for a highway; the application therefor to be made in writing within one year after the taking of such land, water sources or water rights, or other injury done, as aforesaid, but not thereafter. No assessment for damages shall be made for the taking of any water right or for any injury thereto, until the water is actually withdrawn or diverted by said town, under the authority of this act.

No assessment
to be made
until water is
actually
diverted.

Middleborough
Water Loan.

SECTION 4. For the purposes of paying all necessary expenses and liabilities incurred under the provisions of this act, said town of Middleborough may issue bonds, notes or scrip from time to time, signed by its treasurer and countersigned by the water commissioners hereinafter provided for, to be denominated on the face thereof "Middleborough Water Loan," to an amount not exceeding seventy-five thousand dollars, payable at periods not exceeding thirty years from the date of issue, with interest payable semi-annually at a rate not exceeding six per cent. per annum. Said town may sell such securities at public

or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Said town shall pay the interest on said loan as it accrues, and shall provide for the payment of the principal at maturity by establishing at the time of contracting said debt a sinking fund to which it shall contribute annually a sum sufficient, with the accumulations thereof, to pay said principal at maturity.

Sinking fund to be established.

SECTION 5. Said town shall raise annually by taxation a sum, which, with the income derived from the sale of water, shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds issued by said town, and to make such payment on the principal as may be required under the provisions of this act.

Payment of interest and current expenses.

SECTION 6. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken under this act, or injures any dam, reservoir, aqueduct, conduit, pipe or other property owned or used by said town for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the above acts shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

Penalty for polluting or diverting water.

Penalty.

SECTION 7. Said town of Middleborough shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, — one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter, one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said town by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote, and a majority of said board shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting.

Board of water commissioners to be elected.

Vacancy.

Subject to acceptance by a two-thirds vote of the town.

SECTION 8. The preceding sections of this act, so far as they apply to, and confer authority on the town of Middleborough to introduce a supply of water for its inhabitants as aforesaid, shall become inoperative and void, unless said town shall accept the same, and authorize the introduction of water under its provisions by a two-thirds vote of its legal voters present and voting thereon at any legal town meeting called for the purpose within three months of the date of the passage of this act. At such meeting the check list shall be used and the voting shall be by ballot, written or printed, *Yes*, or *No*. The number of meetings so called shall not exceed two.

If act is not accepted, the Middleborough Fire District shall be a corporation, and shall assume all duties, etc., imposed by and upon the town.

SECTION 9. In case the town of Middleborough shall refuse to accept the preceding provisions of this act as specified in section eight, then the organization now known as the Middleborough Fire District with its present metes and bounds shall hereby be made a corporation; and in addition to the powers which it now has under the general law shall have the right to exercise all the powers and privileges conferred upon said town of Middleborough by the preceding sections of this act, and shall assume all the liabilities and duties imposed upon said town by this act. Said district shall have the right to introduce from any of the sources named in the preceding sections a supply of water for the use of its inhabitants, may construct and maintain complete water works for making available and distributing such supply, and for that purpose may take and hold land, water sources and water rights, lay pipes, erect buildings, procure and operate machinery, establish fountains and hydrants and discontinue the same, and may exercise all the authority in these respects granted in preceding sections to the town of Middleborough. Said district may make such contracts with individuals, corporations and the town of Middleborough for the supplying of water as may be agreed upon, and may fix and collect rates for the use of the water. This authority to introduce a public water supply under the provisions of this act is granted on condition that the same is assented to by said fire district within two years from the passage of this act, by a two-thirds vote of the voters of said district qualified to vote in town affairs, present and voting thereon at any legal meeting called for that purpose; whereupon all the rights, privileges and liabilities herein granted to or imposed upon said town of Middleborough shall vest in and

District may make contracts for supplying water.

Subject to a two-thirds vote of the fire district.

be assumed by said fire district. At such meeting the check list shall be used and the voting shall be by ballot, written or printed, *Yes*, or *No*. The number of meetings called in one year shall not exceed three.

SECTION 10. The said fire district may, for the purpose of paying the cost of carrying the provisions of this act into effect, issue from time to time bonds, notes or certificates of debt to an amount not exceeding in the aggregate seventy-five thousand dollars; such securities shall be denominated the "Middleborough Fire District Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer of said fire district and be countersigned by the water commissioners hereinafter provided for. The said fire district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said fire district shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

District may
issue bonds.

Sinking fund to
be established.

SECTION 11. The said fire district shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes or certificates of debt issued by said fire district; and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act. Said fire district is further authorized to raise by taxation any sum of money for the purpose of enlarging or extending its water works, not exceeding three thousand dollars in any one year.

To raise
annually by
taxation a sum
sufficient to pay
interest and
current ex-
penses.

May raise
money to extend
works.

SECTION 12. Whenever a tax is duly voted by said fire district for the purposes of this act, the clerk shall render a certified copy of the vote to the assessors of the town of Middleborough, who shall proceed within thirty days to assess the same in the same manner in all respects as other taxes in said fire district are by law required to be assessed. The assessment shall be committed to the town

When tax is
voted, copy of
vote to be certi-
fied to assessors
of the town.

collector, who shall collect said tax in the same manner as is provided for the collection of town taxes, and shall deposit the proceeds thereof with the treasurer of the fire district for the use and benefit of said fire district. Said fire district may collect interest on taxes when overdue at a rate not exceeding one per centum per month, in the same manner as interest is authorized to be collected on town taxes: *provided*, said fire district at the time of voting to raise a tax shall so determine, and shall also fix a time for payment thereof.

SECTION 13. The said fire district shall after assuming the authority conferred by this act as provided in section nine, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual meeting to constitute a board of water commissioners; and at each annual meeting thereafter, one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said fire district by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said fire district may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said fire district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of said water works except by a written order of said commissioners or a majority of them. Said commissioners shall annually make a full report to said fire district, in writing, of their doings and expenditures.

SECTION 14. The said fire district may adopt by-laws prescribing by whom and how meetings may be called and notified; but meetings may also be called on application of seven or more legal voters in said fire district by warrant from the selectmen of said town, on such notice as may be prescribed therein. The said fire district may also provide rules and regulations for the management of

its water works not inconsistent with this act, or the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary.

May make rules for management of works.

SECTION 15. This act shall take effect upon its passage.

Approved March 6, 1884.

AN ACT TO REPEAL THE PUBLIC STATUTES RELATING TO THE ANNUAL ELECTION SERMON. *Chap. 60*

Be it enacted, etc., as follows:

Sections twenty-four and thirty-five of chapter two of the Public Statutes, relating to an annual election sermon and the compensation of the preacher thereof, are hereby repealed.

Election sermon.

Approved March 6, 1884.

AN ACT TO CHANGE THE NAME OF THE HOVEY AND CRANDON PUBLISHING COMPANY. *Chap. 61*

Be it enacted, etc., as follows:

The name of the “Hovey and Crandon Publishing Company,” incorporated under chapter one hundred and six of the Public Statutes, is changed to that of the “Manufacturers’ Gazette Publishing Company.”

Name changed.

Approved March 6, 1884.

AN ACT TO AUTHORIZE THE HINGHAM CORDAGE COMPANY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap. 62*

Be it enacted, etc., as follows:

The Hingham Cordage Company, for the purposes set forth in its charter, is hereby authorized to hold real and personal estate to an amount not exceeding one hundred and fifty thousand dollars.

May hold additional real and personal estate.

Approved March 6, 1884.

AN ACT TO CHANGE THE NAME OF THE WORCESTER LYCEUM AND NATURAL HISTORY ASSOCIATION. *Chap. 63*

Be it enacted, etc., as follows:

SECTION 1. The name of the Worcester Lyceum and Natural History Association is hereby changed to the Worcester Natural History Society.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1884.

Chap. 64 AN ACT TO PREVENT THE SPREAD OF CONTAGIOUS DISEASES
THROUGH THE PUBLIC SCHOOLS.

Be it enacted, etc., as follows :

Contagious
diseases in
public schools.

The school committees shall not allow any pupil to attend the public schools while any member of the household to which such pupil belongs is sick of small-pox, diphtheria or scarlet fever, or during a period of two weeks after the death, recovery or removal of such sick person.

Approved March 7, 1884.

Chap. 65 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE
POLICE COURT OF HOLYOKE.

Be it enacted, etc., as follows :

Salary estab-
lished.

SECTION 1. The annual salary of the clerk of the police court of Holyoke shall be one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1884.

Chap. 66 AN ACT RELATING TO CLERICAL ASSISTANCE IN THE OFFICE OF THE
SECRETARY OF, AND FOR LECTURES BEFORE, THE BOARD OF
AGRICULTURE.

Be it enacted, etc., as follows :

Clerical services.

SECTION 1. The secretary of the board of agriculture may expend for other clerical services in his office, and for lectures to be given before the board at its annual and other meetings, a sum not exceeding eight hundred dollars per annum.

Lectures.

Repeal.

SECTION 2. So much of section four of chapter twenty of the Public Statutes as is inconsistent with this act is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved March 7, 1884.

Chap. 67 AN ACT IN ADDITION TO THE ACTS TO SUPPLY THE CITY OF HOL-
YOKE WITH PURE WATER.

Be it enacted, etc., as follows :

May take waters
of Whiting
Street Brook.

SECTION 1. The city of Holyoke by its water commissioners, for the purposes mentioned in chapter sixty-two of the acts of the year eighteen hundred seventy-two, may take and hold the waters of the "Whiting Street Brook," so called, in the cities of Holyoke and Northampton, and may convey the same into and through all parts of said city of Holyoke; and may also take and hold by purchase

or otherwise, all lands, rights of way and easements, necessary for raising, flowing, holding, conveying and preserving such waters; and may erect thereon suitable dams, buildings, fixtures and structures, and make excavations and embankments, procure and operate machinery, and provide such appliances as may be necessary to carry out the provisions of this act; and may construct and lay down conduits, pipes and other works, under or over any lands, water-courses, public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, may dig up, raise and embank any such lands, street, highway, alley or other way in such manner as to cause the least hindrance to public travel thereon: *provided*, that all work of construction, maintenance and repairs, done and performed in the public highway in the city of Northampton, shall be executed in the place designated by and agreeably to the order of the mayor and aldermen of the said city of Northampton.

May take and hold lands.

May construct and lay down conduits, pipes and other works.

Work done in Northampton subject to order of mayor and aldermen.

SECTION 2. The city of Holyoke shall, within ninety days after the taking of any lands, water-rights, rights of way or easements as aforesaid, otherwise than by purchase, file in the registry of deeds for the county within which are situated such lands, rights or other property, a description thereof, sufficiently accurate for identification, with a statement of the purposes for which the same were taken, signed by the water commissioners of said city.

A description of the land, etc., taken to be filed in the registry of deeds.

SECTION 3. The said city shall pay all damages sustained by any person in property by the taking and holding of any water, water-rights, land, right of way or easement, or by any other thing done by said city under the provisions of this act. Any person sustaining damages as aforesaid, who fails to agree with said city as to the amount of damages sustained, may have the same assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within one year from the taking of such land or other property, or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said one year.

Damages to be paid by the city.

Application for damages to be made within one year.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of

May issue bonds not exceeding \$30,000.

Holyoke Water
Loan.

Sinking fund.

Proviso.

Penalty for
polluting water
or injuring
property.

Water commis-
sioners to ex-
ercise rights,
etc., granted.

this act, said city by its water commissioners, shall have authority to borrow from time to time such sums of money as they shall deem necessary, to an amount not exceeding thirty thousand dollars, and to issue therefor bonds, notes or certificates signed by the said water commissioners and countersigned by the mayor and auditor of said city, to be denominated on the face thereof the "Holyoke Water Loan Act of eighteen hundred and eighty-four," payable after one year, in instalments of not less than five thousand dollars each year, and bearing interest at a rate not exceeding six per cent. per annum. The said city by said water commissioners may sell or pledge the same or any portion thereof, or make other proper disposal of the same for the above purpose. The loan herein authorized may be paid as herein provided year by year from the sinking fund created in section seven of chapter sixty-two of the acts of the year eighteen hundred seventy-two: *provided*, that it can be so paid after contributing not less than one per cent. per annum to said sinking fund, from the surplus receipts of the water works for that year, on the whole amount of the water debt outstanding; otherwise the said debt herein authorized shall be paid by taxation.

SECTION 5. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property, owned, held or used by said city, under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by fine not exceeding one hundred dollars or imprisonment not exceeding six months, or both said penalties.

SECTION 6. The water commissioners of the city of Holyoke shall superintend and direct the performance of all the works, matters and things mentioned in this act, and exercise all the rights, powers and privileges hereby granted and not otherwise specifically provided for herein. They may fix and establish a reasonable compensation for their services, subject to the concurrent vote of the city council, said compensation to be paid as a part of the current expenses of the water works.

SECTION 7. This act shall take effect upon its acceptance by a two-thirds vote of each branch of all the members of the city council of said city present and voting thereon, if accepted within three years from its passage.

Subject to acceptance by a two-thirds vote within three years.

Approved March 7, 1884.

AN ACT TO AUTHORIZE COURT LITTLE JOHN, NUMBER SIX, INDEPENDENT ORDER OF FORESTERS TO CHANGE ITS NAME. *Chap. 68*

Be it enacted, etc., as follows:

SECTION 1. The Court Little John, Number Six, Independent Order of Foresters is hereby authorized to change its name to Court Little John, Number Fifty, United Order of Foresters. *Name changed.*

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1884.

AN ACT RELATING TO INSTRUCTION IN THE ELEMENTARY USE OF HAND-TOOLS IN PUBLIC SCHOOLS. *Chap. 69*

Be it enacted, etc., as follows:

Section one of chapter forty-four of the Public Statutes, relating to the branches of instruction to be taught in public schools, is amended by striking out, in the eighth line, the words "and hygiene," and inserting instead the words "hygiene and the elementary use of hand-tools," and in any city or town where such tools shall be introduced, they shall be purchased by the school committee, at the expense of such city or town, and loaned to such pupils, as may be allowed to use them, free of charge; subject to such rules and regulations as to care and custody as the school committee may prescribe. *Elementary use of hand-tools may be taught in the public schools.*

Approved March 10, 1884.

AN ACT IN ADDITION TO AN ACT TO REGULATE THE SALE OF COAL BY MEASURE. *Chap. 70*

Be it enacted, etc., as follows:

SECTION 1. The capacity of the baskets or measures mentioned in chapter two hundred and eighteen of the acts of eighteen hundred and eighty-three, shall be plainly marked or stamped thereon by the sealer of weights and measures. Coal sold in accordance with the provisions of said chapter two hundred and eighteen shall be delivered to the purchasers thereof in the same baskets or measures that are used in measuring such coal. *Capacity of measure to be stamped thereon.*
Coal to be delivered in same basket in which measured.

Penalty.

SECTION 2. Any person who violates the provisions of this act shall be subject to a fine not exceeding twenty dollars for each offence.

Approved March 10, 1884.

Chap. 71 AN ACT TO AUTHORIZE THE TOWN OF MARBLEHEAD TO TAKE ADDITIONAL LAND FOR THE PURPOSE OF INCREASING ITS WATER SUPPLY.

Be it enacted, etc., as follows:

May take and hold land.

SECTION 1. The town of Marblehead may take and hold by purchase or otherwise such land on the westerly side of Pond Street in said town in the "small-pox" and "lower division" pastures, so called, as it may deem necessary for the purpose of increasing the water supply of said town for fire and manufacturing uses, and may erect on such land proper dams, buildings, fixtures, and make excavations and procure and run machinery therefor, with such other appliances as may be necessary for complete and effective water works, and dig up, raise and embank any such lands, and may construct and lay down conduits, pipes and other works under or over any lands, water-courses or roads, and along any street or other way in such manner as to cause the least hindrance to travel thereon.

May erect dams, lay down conduits and pipes.

A description of the land taken to be filed in the registry of deeds.

SECTION 2. Said town shall within ninety days after the time of taking any lands, water-courses or water rights as aforesaid, otherwise than by purchase, file in the registry of deeds for the county of Essex, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the selectmen.

Damages to be paid by the town.

SECTION 3. The said town shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water-source, water right or easement, or by any other thing done by said town under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have said damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within one year from the taking of said land or other property, or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said one year.

Application to be made for damages within one year.

No expenditure to be made until act is accepted by a majority vote.

SECTION 4. This act shall take effect upon its passage, but no expenditure shall be made or liability incurred under the same until said act is accepted by a majority of the

voters present at a legal town meeting called for that purpose, and this act shall be void unless so accepted by said town within one year from the date of its passage.

Approved March 11, 1884.

AN ACT TO AMEND "AN ACT TO PROVIDE FOR THE CUSTODY OF BOOKS *Chap. 72*
AND PAPERS OF INSOLVENT SAVINGS BANKS."

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter seventy-seven of the acts of the year eighteen hundred and eighty-two, relating to the custody of books and papers of insolvent savings banks, is hereby amended by adding after the words "state house" in the last line, the following words, "or Commonwealth building."

Custody of books and papers of insolvent savings banks.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1884.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE WASHINGTON CEMETERY ASSOCIATION AT GLOUCESTER. *Chap. 73*

Be it enacted, etc., as follows :

SECTION 1. The acts and proceedings of Isaac P. Morse, Walter Cressy, Eben Lufkin, Thomas Marshall, Charles P. Barrett, George A. Sanborn, David Ingersoll, James Ingersoll and their associates in organizing the Washington Cemetery Association in the city of Gloucester, and the subsequent proceedings of the above named persons, their associates and successors under said organization are hereby ratified and confirmed; and the Washington Cemetery Association is hereby established as an existing corporation for the purpose of managing, improving and controlling the grounds situate in a certain inclosure on Western Avenue in the city of Gloucester, set apart for the burial of the dead, being the same lot of land conveyed to John Barrett, Edward Loyd and James Knight, trustees, by deed dated August seventeen, eighteen hundred thirty-nine, and recorded in Essex registry of deeds, book 314, leaf 274; with all the powers, rights and privileges, and subject to all the duties, limitations and restrictions conferred by general laws upon such corporations.

Proceedings confirmed.

Established as an existing corporation.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1884.

Chap. 74 AN ACT AUTHORIZING INSURANCE COMPANIES TO ELECT THEIR DIRECTORS BY CLASSES.

Be it enacted, etc., as follows:

May elect
directors by
classes.

SECTION 1. Any insurance company may at its annual meeting or at any special meeting called for that purpose make by-laws dividing its board of directors into two, three or four classes, so that the directors of the first class shall go out of office on the day of the next annual meeting, and the directors of the second, third and fourth classes shall go out of office respectively on the day of each succeeding annual election of directors. At each annual meeting after the adoption of such by-laws, only one class of directors shall be elected. Any vacancies may be filled by the election of new directors whose terms of office shall expire with those of the class to which they have respectively been elected.

Vacancies.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1884.

Chap. 75 AN ACT TO CHANGE THE CORPORATE NAME OF THE TEXAS, TOPOLO-BAMPO AND PACIFIC RAILROAD AND TELEGRAPH COMPANY, AND TO EXTEND ITS FRANCHISE.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The corporate name of the Texas, Topolobampo and Pacific Railroad and Telegraph Company incorporated under the general laws of the Commonwealth is changed to the American and Mexican Pacific Railroad Company.

May hold lands
and concessions
granted by
Mexico.

SECTION 2. In addition to the powers and privileges already conferred, the said corporation shall have power to receive and hold such lands, concessions and subsidies as may be now or hereafter conferred upon or granted to it by the Republic of Mexico or any of the states thereof in which said railroad or telegraph line may be located.

May purchase
and hold lands
in Mexico.

SECTION 3. The said corporation shall have power to purchase and hold in fee simple such lands or rights in the same in the states of said Republic of Mexico in which said railroad and telegraph line may be located as it may deem expedient.

May sell, mort-
gage, etc.,
property.

SECTION 4. The said corporation shall have power to sell, lease, mortgage and otherwise dispose of such property as it may acquire under the powers conferred by this act, and may erect buildings, dwelling houses and other

structures thereon and otherwise improve the same as may be deemed expedient.

SECTION 5. The power conferred by this act shall not be exercised except in furtherance of the objects and purposes for which said corporation is organized.

Power confined to furtherance of purposes for which organized.

SECTION 6. This act shall take effect upon its passage.

Approved March 12, 1884.

AN ACT TO PROHIBIT THE SALE OF FIREARMS AND OTHER DANGEROUS WEAPONS TO MINORS. *Chap. 76*

Be it enacted, etc., as follows:

SECTION 1. No person shall sell or furnish to a minor under the age of fifteen years, any firearms or other dangerous weapon: *provided*, that instructors and teachers may furnish military weapons to pupils for instruction and drill.

Dangerous weapons not to be furnished to minors under fifteen.

SECTION 2. Whoever violates the provisions of this act shall for each offence be punished by fine not less than ten nor more than fifty dollars.

Penalty.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed; but such repeal shall not affect any prosecutions or suits now begun, nor prevent the institution of any suit, prosecution or proceedings to enforce penalties and liabilities already incurred under existing laws.

Repeal.

Approved March 12, 1884.

AN ACT TO AUTHORIZE THE BOSTON YOUNG WOMEN'S CHRISTIAN ASSOCIATION TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap. 77*

Be it enacted, etc., as follows:

SECTION 1. The Boston Young Women's Christian Association is hereby authorized to hold real and personal estate, for the purposes set forth in its charter, to an amount not exceeding four hundred thousand dollars in value.

May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1884.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF TRUSTEES BY CHURCHES OR RELIGIOUS SOCIETIES IN CERTAIN CASES. *Chap. 78*

Be it enacted, etc., as follows:

SECTION 1. Churches or religious societies may appoint trustees, not exceeding five in number, who shall with their successors be a body corporate, for the purposes

Trustees may be appointed by churches and religious societies.

mentioned in section one of chapter thirty-nine of the Public Statutes, and shall be subject to all of the provisions of said chapter applicable thereto, and any funds, held by the bodies corporate mentioned in the first and second sections of said chapter, may be transferred to said trustees to be held in trust in like manner by them.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1884.

Chap. 79 AN ACT TO FIX THE SALARY OF THE SECRETARY OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Salary
established.

SECTION 1. The salary of the secretary of the Commonwealth from and after the first day of January eighteen hundred and eighty-four shall be three thousand dollars per annum, and at the same rate for any portion of a year.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1884.

Chap. 80 AN ACT TO AUTHORIZE THE TOWN OF QUINCY TO PAY CERTAIN BOUNTIES.

Be it enacted, etc., as follows:

May pay
bounties to
soldiers and
raise money by
taxation.

SECTION 1. The town of Quincy is authorized, in the manner provided in section two of this act, to raise by taxation a sum of money not exceeding twenty-five hundred dollars and appropriate the same to the payment of a bounty of one hundred and twenty-five dollars to each soldier or sailor who re-enlisted, between the first day of December eighteen hundred and sixty-three and the twentieth day of April eighteen hundred and sixty-four, in the quota of said town and served until the close of the late war or was honorably discharged during said period and has never received any bounty from said town: *provided*, that said town shall not be re-imbursed by the Commonwealth for any money paid under authority of this act.

Not to be
reimbursed by
the state.

Subject to a
vote of the town.

SECTION 2. At any legal meeting of said town called for the purpose, a vote may be taken on the question of raising such money and appropriating the same to the payment of such bounties. The check list shall be used at such meeting, and the polls shall be kept open at least four hours.

The vote shall be by separate ballot, and the ballots shall be "yes" or "no" in answer to the question: "Will the town pay a bounty of one hundred and twenty-five dollars to each soldier or sailor who re-enlisted, between the first day of December eighteen hundred and sixty-three and the twentieth day of April eighteen hundred and sixty-four, in the quota of said town and served until the close of the late war or was honorably discharged during said period and has never received any bounty from said town, and raise the sum of twenty-five hundred dollars and appropriate the same to the payment of said bounties?"

SECTION 3. This act shall take effect upon its passage.

Approved March 13, 1884.

AN ACT TO AUTHORIZE THE TOWN OF EAST BRIDGEWATER TO PAY
CERTAIN BOUNTIES.

Chap. 81

Be it enacted, etc., as follows:

SECTION 1. The town of East Bridgewater is authorized to raise by taxation a sum of money not exceeding fourteen hundred dollars and appropriate the same to the payment of a bounty of one hundred and twenty-five dollars to each of the following soldiers:—James G. Johnson, James C. Underwood, John Porter, Henry A. Osborne, Alfred Worthington, William H. French, George A. Edson, Elihu T. Ellis, John Sylvester, Charles McCarter and James H. Sampson: *provided*, that said town shall not be re-imbursed by the Commonwealth for any money paid under authority of this act.

May pay bounties to certain soldiers.

Not to be re-imbursed by the Commonwealth.

SECTION 2. If any such soldier has died or shall die before he receives his bounty it shall be paid to his widow or if he leaves no widow to his lawful heirs.

Bounty to be paid to widow or heirs if soldier dies.

SECTION 3. This act shall take effect upon its passage.

Approved March 13, 1884.

AN ACT TO AUTHORIZE THE TOWN OF FALMOUTH TO PURCHASE
THE LAWRENCE ACADEMY IN SAID TOWN.

Chap. 82

Be it enacted, etc., as follows:

SECTION 1. The town of Falmouth is hereby authorized to purchase all the property of the Lawrence Academy in said town, and to take and hold all property held in trust by it, upon the same trusts upon which said property is now held by said academy, and to that end, with the consent of said academy, may apply to the su-

Town may buy property of Lawrence Academy, and hold the same in trust.

preme judicial court sitting in equity within and for the county of Barnstable to be appointed trustee in place of said academy.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1884.

Chap. 83

AN ACT TO INCORPORATE THE CLINTON MARKET COMPANY.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. George B. Wilbur, James C. Melvin, Thomas Nickerson, Edmund Quincy and John F. Hosmer, their associates and successors, are made a corporation by the name of the Clinton Market Company, for the purpose of erecting and maintaining buildings for market and business purposes; and said corporation shall be subject to the provisions of chapter one hundred and five and chapter one hundred and six of the Public Statutes, and to all general corporation laws which now are or shall be in force, and for the purposes herein named, shall have the powers and be subject to the liabilities and restrictions prescribed therein and shall have power to purchase, lease and hold in fee simple or otherwise all or any parts of that tract of land situated in Boston in this Commonwealth, bounded southerly by South Market Street, easterly by Atlantic Avenue, northerly by Clinton Street and westerly by Mercantile Street.

Name and purpose.

Powers and duties.

May erect and maintain market buildings.

SECTION 2. The said corporation shall have power to erect and maintain market buildings and other buildings and structures on its land and otherwise improve the same, and to sell, lease, mortgage or otherwise dispose of its corporate property and any parts thereof.

Capital stock and shares.

Proviso.

SECTION 3. The capital stock of said corporation shall not exceed one million dollars, divided into shares of one hundred dollars each: *provided, however*, that no liability shall be incurred until two hundred thousand dollars of the capital stock has been paid in in cash.

SECTION 4. This act shall take effect upon its passage.

Approved March 14, 1884.

Chap. 84

AN ACT TO LEGALIZE THE DOINGS OF THE TOWN OF WAKEFIELD IN ACCEPTING A BEQUEST UNDER THE WILL OF CORNELIUS SWEETSER, AND IN RAISING MONEY TO PURCHASE AND BEAUTIFY A PUBLIC PARK IN SAID TOWN.

Be it enacted, etc., as follows:

Proceedings

SECTION 1. That all votes passed and acts performed

by the town of Wakefield between the first day of April, A. D. eighteen hundred seventy-one and the first day of February, A. D. eighteen hundred eighty-four, for the purpose of raising or hiring money to purchase land and beautify the same to be used as a public park by said town, and the vote of said town passed on the seventh day of May, A. D. eighteen hundred eighty-three, and all acts under the same accepting a bequest of ten thousand dollars with the conditions thereto annexed under the will of Cornelius Sweetser, late of Saco in the state of Maine, deceased, and authorizing the treasurer of said town with the approval of the selectmen to hire the sum of ten thousand dollars to comply with said conditions and issue the notes of the town therefor in the sum of one thousand dollars each, payable one note in each year for the next ten years, are hereby ratified, confirmed and made valid.

relative to
raising money
for a public
park, confirmed.

Acceptance of
bequest of
Cornelius
Sweetser,
confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1884.

AN ACT AUTHORIZING THE NEW YORK AND NEW ENGLAND RAILROAD COMPANY TO MAKE CERTAIN APPLICATION OF THE PROCEEDS OF THE SALES OF ITS SECOND MORTGAGE BONDS, AND TO ISSUE PREFERRED STOCK.

Chap. 85

Be it enacted, etc., as follows:

SECTION 1. The New York and New England Railroad Company is hereby authorized, in addition to the existing authority, to use the proceeds of the sales of the second mortgage bonds of said company, authorized by chapter two hundred and forty of the acts of the year eighteen hundred and eighty-two and not yet issued, for the purpose of paying any present or future liabilities of said company, or to use said second mortgage bonds as collateral security for money borrowed for that purpose.

May use proceeds of sales for present or future liabilities, or may use bonds as collateral security.

SECTION 2. Said railroad company is authorized, by vote of a majority in interest of its stockholders present and voting at a meeting duly called for that purpose, to issue not exceeding fifty thousand shares of preferred stock of the par value of one hundred dollars each, the holders of which shall be entitled to receive out of the net earnings of the company dividends of seven per cent. per annum, the same to be paid in semi-annual instalments in such sums as the directors of said corporation may determine; and, if the net earnings of any year shall not be sufficient to pay said dividends, the same shall be

May issue preferred stock, not exceeding fifty thousand shares.

cumulative and payable out of the net earnings of any subsequent year, but without interest; said dividends and accumulations to take priority over the dividends on all other stock of the company, until, in addition to said dividends on said preferred stock, there shall be paid an equal dividend upon the common stock, after which any dividend declared by said company shall be divided equally between said preferred and common stock.

To be paid for in cash, or in cash and common stock.

SECTION 3. Said preferred stock may be paid for wholly in cash or by payment of fifty dollars in cash and two shares of the common stock of said company for each share of preferred stock.

Common stock taken in payment to be cancelled.

SECTION 4. Said common stock taken in payment for said preferred stock shall be immediately cancelled when received by said company.

Owners of preferred stock to have same rights of voting, etc., as owners of common stock.

SECTION 5. Owners of said preferred stock shall have all the rights of voting and transfer which are or may be enjoyed by the owners of said common stock, and said preferred stock shall be counted with the common stock in all questions of majorities and quorums.

Rights of second mortgage bondholders not to be impaired without their consent in writing.

SECTION 6. No legal or equitable right of any holder of any second mortgage bond heretofore issued under the authority of chapter two hundred and forty of the acts of the year eighteen hundred and eighty-two, shall be in any way affected or impaired by the provisions of this act or by the issue of any bonds hereafter to be issued under the same, until he shall have signified his consent to the provisions of this act by filing such consent in writing with the trustees under said mortgage, specifying therein the numbers and amounts of the bonds held by him, and by endorsement of such consent on said bonds. The consent of the Commonwealth as a holder of said bonds shall not be implied by the passage of this act, but may hereafter be given by the treasurer of the Commonwealth, with the approval of the governor and council, when in their judgment the interests of the Commonwealth require it.

Consent of the Commonwealth not implied.

P. S. 112, §§ 58, 59, and P. S. 115, § 20, not to apply to preferred stock.

SECTION 7. The provisions of sections fifty-eight and fifty-nine of chapter one hundred and twelve, and of section twenty of chapter one hundred and five of the Public Statutes, shall not apply to the shares of preferred stock which may be issued under this act.

Subject to acceptance at a meeting called within one year.

SECTION 8. This act shall take effect on its acceptance by the stockholders of said railroad company at a meeting called for that purpose, provided such meeting is called

within one year from the passage of this act, at which meeting said stockholders may also vote upon the question of issuing said preferred stock. *Approved March 14, 1884.*

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHELSEA RELATING TO THE ELECTION OF ASSESSORS. *Chap. 86*

Be it enacted, etc., as follows:

SECTION 1. The assessors to be elected in the city of Chelsea during the current year shall be elected to serve one for one year, one for two years and one for three years, and until their successors are elected and qualified; and thereafter the city council shall annually elect an assessor to serve for three years and until his successor shall be elected and qualified. Any vacancy occurring in the board of assessors may be filled at any time, and the member so elected shall hold office only for the unexpired term of the member who has ceased to hold office.

Assessors may be elected to serve three years.

Vacancy.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage but shall become void unless accepted by the city council of Chelsea within thirty days thereafter.

Void unless accepted within thirty days.

Approved March 17, 1884.

AN ACT TO AUTHORIZE THE INCORPORATION OF THE MEIGS ELEVATED RAILWAY COMPANY. *Chap. 87*

Be it enacted, etc., as follows:

SECTION 1. Joe V. Meigs, William S. Butler, William A. Russell, Roland Worthington, Thomas W. Pierce, Henry Hastings, Nathan Appleton, Franklin E. Gregory, Edgar E. Dean, George A. Alden, George E. Harrington, Frank Jones, J. W. Johnson, George J. Carney, Charles E. Powers, their associates and successors, may associate and become a corporation as the Meigs Elevated Railway Company in the manner provided by chapter one hundred and thirteen of the Public Statutes and acts in addition thereto, subject to all the duties, restrictions and liabilities contained therein, so far as the same can be applied thereto, except those parts referring to the "gauge" of the road, the amount of its capital stock, and the manner of paying in the same, for the purpose of building, maintaining and operating an elevated railway between some point in the city of Cambridge and Bowdoin Square in the city of Boston. The location of said road across the Charles

Meigs Elevated Railway Company.

Between Cambridge and Bowdoin Square in Boston.

Location of road.

Proviso.

Capital stock to be not less than \$100,000 for each mile of road.

Location of tracks may be granted or refused by aldermen of city where location is asked.

Location may be revoked after one year, and structures required to be removed at expense of corporation.

Location of tracks in Boston not to be petitioned for, until one mile of road has been built, etc., and safety, etc., has been approved

River shall not be south of the southerly line of West Boston Bridge, and shall thence proceed in the most direct practicable route to Bowdoin Square in Boston, and there terminate: *provided, however*, that the board of aldermen of the city of Boston may, for reasons of public necessity and convenience, to avoid unnecessary damage to property deflect the route from the most direct line. For the purpose of applying said provisions of said chapter one hundred and thirteen to the corporation hereby authorized, it shall be deemed a street railway corporation.

SECTION 2. The amount of its capital stock shall not be less than one hundred thousand dollars for each mile of road. Not less than ten per cent. of said stock shall be paid in before a certificate of incorporation is issued, and the whole capital stock shall be paid in in cash before the construction of the road shall be commenced.

SECTION 3. Locations for tracks shall be petitioned for between the points named in section one of this act, and after fourteen days' notice, of which notice a copy shall be left with the owner or occupant of each estate on the line of the proposed location, seven days before the hearing, a hearing shall be had before the board of aldermen of the city in which the location is asked, as provided in section seven of said chapter one hundred and thirteen, and after such hearing the board of aldermen may refuse the location asked for, or grant the same, in whole or in part, under such restrictions as they shall deem the public interests require, and the board of aldermen of either of said cities of Cambridge or Boston may, on like notice and hearing, revoke any location after the expiration of one year from the granting of the same, if, in their judgment, the public interests so require, and in case of such revocation may require the structures of the company to be removed and the location to be restored to its original condition at the expense of the corporation, in the same manner and with like requirements as in the revocation of locations for street railways under sections twenty-three, twenty-four, twenty-five and twenty-six of said chapter one hundred and thirteen.

SECTION 4. No location for tracks shall be petitioned for in the city of Boston until at least one mile of the road has been built and operated, nor until the safety and strength of the structure and the rolling stock and motive power shall have been examined and approved by the

board of railroad commissioners or by a competent engineer, to be appointed by them, and to be paid by said corporation a price fixed by said board.

by the railroad
commissioners.

SECTION 5. The Meigs elevated railway shall not be built after the manner of the New York elevated railways, but shall be built according to the plans, methods and inventions of Joe V. Meigs, a copy of which shall be filed with the secretary of state within sixty days of the passage of this act; and upon granting a location, the board of aldermen shall prescribe the height at which the lowest part of the girder shall be above the ground, and the width of the track, provided that its greatest width shall not exceed twenty-two and one-half inches.

Road to be built
according to
plans, etc., of
Joe V. Meigs.

SECTION 6. The provisions of sections thirteen and fourteen of chapter one hundred and thirteen, and sections thirty-eight to forty inclusive, and sections forty-three to forty-five inclusive, of chapter one hundred and twelve of the Public Statutes, and of chapter two hundred and sixty-five of the acts of eighteen hundred and eighty-two, shall apply to said corporation. The corporation may take, in the manner prescribed in sections ninety-one to ninety-three inclusive, of chapter one hundred and twelve of the Public Statutes, as much land as may be necessary for the proper construction and security of the road, or as may be necessary for depot and station purposes.

Provisions of
P. S. 113, §§ 13,
14; 112, § 38-40,
43-45,
1882, 265 to
apply.

May take land.

SECTION 7. The owner of any property taken for such railway, or of any property abutting on streets through which said railway may pass, not so taken, in any manner injuriously affected or lessened in value, whether by smoke, noise, obstruction of light, air or access, disturbance of quiet enjoyment or otherwise, by the construction, maintenance or operation of said railway, may petition for assessment of his damages, and his petition shall be heard and determined in the same manner and with like effect as now provided by law when real estate is taken for public highways. But said corporation shall not acquire title to any land, nor enter upon any street, until all damages to the owners of land and abutters on any part of a street occupied, or to be occupied, by its structure have been paid or secured in a manner satisfactory to the owner, or to be fixed by the superior court or any justice thereof, sitting in equity for the county where the land lies, upon the petition of either party and summary hearing. And the erection of the structures authorized by this act in any

Compensation
for damages.

Title to land
not to be ac-
quired until
damages have
been paid or
secured to the
owner.

All persons claiming interests in same estate to join in one petition.

Petition to be filed within one year after structures are built.

Damages to become first lien upon property, after taxes, etc.

If certain damages are not paid for thirty days after recovery, operation of road may be restrained by superior court.

Condition of streets to be restored as soon as practicable.

Subterranean works not to be interfered with, except with concurrence of aldermen.

Superior court may summarily enforce provisions of this section.

street shall be deemed a new servitude, for which damages may be claimed by any owner of land having a fee or an easement appendant or appurtenant to his land, in, on or over such street, or by any tenant of such owner. But all persons claiming interests in the same estate shall join in one petition. And such petition for damages on any street shall be filed before the expiration of one year after the structures authorized by this act are built or operated in that part of such street contiguous to the petitioner's estate.

SECTION 8. The damages and costs recoverable by the persons petitioning therefor, as herein before provided, shall become and be a first lien without priority to any of said petitioners as among themselves, on all the property of the said corporation, having priority of payment in full, except over debts and taxes due to or assessed by the United States or the Commonwealth, or any county, city or town in the Commonwealth; said lien may be enforced for damages and costs, in equity. If any damages recovered against said corporation, other than damages recovered by owners of land and abutters on any part of a street occupied by any structure of said corporation, or their tenants, as such owners, abutters or tenants, remain unpaid for thirty days after final judgment therefor, the superior court may, by injunction or other suitable process in equity, prohibit and restrain the corporation from continuing the operation of said road, or maintaining any structure in any place or manner injurious to the person applying for such relief.

SECTION 9. Whenever said corporation shall make any excavation in or near any public highway, or shall set any foundation, pier or post, in or near the same, the surface of the street, sidewalk or other ground shall be restored, as soon as practicable, to the condition it was in before the excavation was made, as near as may be; and no interference shall be had with, or change made in, water or gas mains or pipes, sewers, drains or other subterranean works, except with the concurrence of the board of aldermen first had and obtained, and upon condition that the same shall be immediately restored to a serviceable condition, as good as before the change or disturbance, and at the sole cost and expense of said corporation. And the superior court in equity may summarily enforce the provisions of this section by injunction or other appropriate remedy.

SECTION 10. The provisions of section three of chapter one hundred and five of the Public Statutes shall apply to the corporation hereby authorized.

P. S. 105, § 3, to apply.

SECTION 11. This act shall take effect upon its passage.

Approved March 18, 1884.

AN ACT REQUIRING NOTICE TO AUTHORITIES OF CITIES AND TOWNS
UPON APPLICATIONS FOR COMMITMENT OR ADMISSION TO THE
MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Chap. 88

Be it enacted, etc., as follows:

SECTION 1. Whoever applies for the commitment or for the admission of a pupil or an idiot to the Massachusetts School for the Feeble-Minded, under the provisions of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and eighty-three, shall first give notice in writing to the mayor, or one or more of the selectmen of the place where the pupil or idiot resides, of his intention to make such application; and satisfactory evidence that such notice has been given shall be produced to the judge in cases of commitment.

Notice to be given to mayor or selectmen of place where pupil resides, when application is to be made for commitment to school.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1884.

AN ACT TO INCORPORATE THE TRUSTEES OF FLORENCE KINDERGARTEN.

Chap. 89

Be it enacted, etc., as follows:

SECTION 1. Arthur G. Hill, Emily K. Sheffield, Alfred T. Lilly, Elizabeth Powell Bond, Daniel W. Bond, Chiara C. Plimpton and Henry B. Haven, all of the town of Northampton, who were appointed trustees of the funds bequeathed by Samuel L. Hill, late of Northampton, deceased, and their successors in said trust, are hereby made a corporation by the name of the Trustees of Florence Kindergarten, for the purpose of holding and managing said funds bequeathed to them by said will and other property real and personal not exceeding in all five hundred thousand dollars, for the purposes of the trust as set forth in said will, and with all the powers and privileges and subject to all the duties, restrictions and liabilities of the general laws relating to literary and charitable corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation shall be managed by a board of trustees composed of said incorporators.

To be managed by a board of trustees.

Vacancies.

Vacancies occurring in said board of trustees shall be filled by a majority vote of the remaining trustees.

SECTION 3. This act shall take effect upon its passage.

Approved March 18, 1884.

Chap. 90 AN ACT TO AUTHORIZE THE CITY OF LYNN TO BORROW MONEY FOR THE PURPOSE OF BUILDING DRAINS AND SEWERS.

Be it enacted, etc., as follows:

May borrow money for building sewers and drains.

May issue bonds.

Sinking fund to be provided.

To take effect upon acceptance within one year.

SECTION 1. The city of Lynn for the purpose of building sewers and drains may raise by borrowing from time to time a sum of money not exceeding two hundred and fifty thousand dollars, and for this purpose may issue from time to time bonds, notes or scrip not exceeding said amount. Such bonds, notes and scrip shall bear on their face the words "City of Lynn Sewer Loan, act of 1884," and shall be payable at the expiration of periods not exceeding twenty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the mayor and treasurer of said city. The said city may sell such securities at public or private sale or pledge the same for money borrowed for the purpose of building sewers or drains, upon such terms and conditions as it may deem proper. The said city shall provide at the time of contracting said loan for the establishment of a sinking fund and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose, and said city shall raise annually by taxation a sum sufficient to pay the interest as it accrues on said bonds, notes and scrip.

SECTION 2. This act shall take effect upon its acceptance by the city council within one year from its passage.

Approved March 18, 1884.

Chap. 91 AN ACT TO INCORPORATE THE HYDE PARK WATER COMPANY.

Be it enacted, etc., as follows:

Hyde Park Water Company incorporated.

SECTION 1. Waldo F. Ward, Robert Bleakie, John S. Bleakie, Benjamin F. Radford, C. F. Allen, Hobart M. Cable, William J. Stuart, Andrew Washburn, Isaac J. Brown, David Perkins, David C. Marr, A. H. Holway, S. C. Putnam, their associates and successors, are

hereby made a corporation by the name of the Hyde Park Water Company, for the purpose of supplying the inhabitants of the town of Hyde Park with water for domestic, manufacturing and other purposes, including the extinguishment of fires, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, so far as the same may be applicable to this corporation.

SECTION 2. The said corporation, for the purposes aforesaid, may take, hold and convey through said town of Hyde Park, or any part thereof, the waters of the Neponset River or of any springs upon its water-shed within the territory bounded by a line drawn from the junction of Mother Brook and Neponset River southerly to the junction of Neponset River and New York and New England Railroad, thence following the said railroad southerly to the town line, thence easterly on said town line to Neponset River, thence down said river and westerly following the town line to its junction with Williams Avenue, thence in a straight line to point of beginning; and may take and hold, by purchase or otherwise, any real or personal estate, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on the land thus taken or held reservoirs, buildings, fixtures and other structures, and may make excavations, procure and operate machinery; may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads or public or private ways, and along such ways in such manner as not unnecessarily to obstruct the same; and may provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and efficient water works. For the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and under the direction of the board of selectmen of the town may enter upon and dig up any such public ways in such manner as to cause the least hindrance to public travel thereon.

May take water from Neponset River.

May construct and lay down conduits and pipes.

May dig up lands and highways.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, easements, water rights or sources as aforesaid, otherwise

To have recorded in registry of deeds a description of the land etc., taken.

than by purchase, file and cause to be recorded in the registry of deeds in Norfolk County a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Liability for damages.

SECTION 4. The said corporation shall be liable to pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source or water right or easement or by any other thing done by said corporation under the authority of this act. Any person or corporation injured in property under this act, and failing to agree with said corporation as to the amount of damage sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of a highway, an application therefor to be made in writing within the period of three years from the taking of such land or other property or the doing of other injury under authority of this act, but no such application shall be made after the expiration of said three years. No assessment for damages shall be made for the taking of any water right, or for any injury thereto until the water is actually withdrawn or diverted by said corporation under authority of this act.

No assessment for damages until water is actually withdrawn.

May regulate use of water and fix and collect rates.

SECTION 5. The said corporation may distribute the water through said town of Hyde Park; may regulate the use of said water and fix and collect rates to be paid for the same; may establish public fountains and hydrants and discontinue the same, and may make such contracts with the said town, or with any individual or corporation, to supply water for the extinguishing of fires, or for other purposes, as may be agreed upon by said town, individual or corporation, and said corporation.

Real estate and capital stock.

SECTION 6. The said corporation may for the purposes set forth in this act, hold real estate not exceeding in amount thirty thousand dollars; and the whole capital stock of said corporation shall not exceed two hundred thousand dollars, to be divided into shares of one hundred dollars each. The said corporation may issue bonds to an amount not exceeding the amount of its capital stock actually paid in and applied to the purposes of its incorporation, and may secure the same at any time by a mortgage of its franchise and property. Any manufacturing or other corporation doing business in said town of

May issue bonds.

Corporations in Hyde Park may take stock.

Hyde Park may subscribe for and hold stock of said Hyde Park Water Company.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding one year.

Penalty for polluting or diverting water.

SECTION 8. The said town of Hyde Park shall have the right at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property and all the rights and privileges of said corporation, at a price which may be mutually agreed upon between said corporation and the said town, and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at any meeting called for that purpose.

Town of Hyde Park may at any time purchase franchise and property.

Subject to assent by the town by a two-thirds vote.

SECTION 9. The said town, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate two hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words "Hyde Park Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or

Hyde Park Water Loan.

Sinking fund to be provided.

pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

To raise by taxation sufficient to pay current expenses and interest on bonds.

SECTION 10. The said town shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Board of water commissioners to be elected.

SECTION 11. The said town shall, after its purchase of said franchise and corporate property as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Commissioners to be trustees of the sinking fund.

Vacancy.

Corporation may be required to give security for the payment of damages.

SECTION 12. The selectmen of Hyde Park upon application of the owner of any land, water or water rights taken under this act, shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or

other property so taken ; but previous to requiring such security the said selectmen shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the said selectmen shall in like manner require further security, if at any time the security before required appears to them to have become insufficient ; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys or tests of the soil, shall be suspended until it gives the security as required.

SECTION 13. The said corporation may at any time during the continuance of this charter contract with the Dedham Water Company or the Sharon Water Company for a supply of water on terms to be mutually agreed upon between the parties so contracting, and may make such connections of its conduits or pipes with those of the contracting corporation as may be necessary for the purpose, and said Dedham Water Company and said Sharon Water Company are authorized to make such contracts and connections and to furnish water to the Hyde Park Water Company for the purposes aforesaid from any source from which they are authorized to take water under their original charters.

Corporation may contract with the Dedham or Sharon Companies for a supply of water.

SECTION 14. This act shall take effect upon its passage, but shall become void unless work is commenced under it within one year from the date of its passage.

Void unless work is commenced within one year.

Approved March 18, 1884.

AN ACT TO ENABLE THE NEWTON THEOLOGICAL INSTITUTION TO HOLD ADDITIONAL PROPERTY.

Chap. 92

Be it enacted, etc., as follows :

SECTION 1. The Newton Theological Institution, a corporation under the laws of this Commonwealth, is hereby authorized to hold, in addition to the amount of property it is authorized to hold in chapter ninety-six of the acts of eighteen hundred and twenty-six, a further amount of property, not exceeding in all eight hundred thousand dollars, of which not more than two hundred thousand dollars shall be in real estate.

May hold additional property.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1884.

- Chap. 93* AN ACT TO AUTHORIZE THE TOWN OF BELCHERTOWN TO COMPLY WITH THE PROVISIONS OF THE WILL OF CALVIN BRIDGEMAN, AND TO LEGALIZE THE ACTION OF SAID TOWN ACCEPTING THE BEQUEST CONTAINED IN SAID WILL.

Be it enacted, etc., as follows:

Acceptance of
bequest in will
of Calvin
Bridgeman
ratified.

SECTION 1. The acceptance by the town of Belchertown of the bequest in the will of Calvin Bridgeman, late of said Belchertown, is hereby ratified, confirmed and made valid, and said town is hereby authorized to perform the conditions of said bequest relating to the care and preservation of certain monuments and cemetery lots described therein.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1884.

- Chap. 94* AN ACT TO CONFIRM CERTAIN ACTS OF THE UNION CONGREGATIONAL SOCIETY IN NORTH BROOKFIELD.

Be it enacted, etc., as follows:

Acts of the
society ratified.

SECTION 1. The proceedings of the meetings of the Union Congregational Society in North Brookfield, a corporation duly organized on the twenty-ninth day of October in the year eighteen hundred and fifty-three, shall not be invalid because the annual meetings of said society have been held during the month of March, nor because only two persons have been heretofore chosen assessors of said society.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1884.

- Chap. 95* AN ACT IN RELATION TO THE SALARY OF THE ENGINEER OF THE STATE PRISON AT CONCORD.

Be it enacted, etc., as follows:

Salary estab-
lished.

SECTION 1. The engineer of the state prison at Concord shall receive such salary, not exceeding fifteen hundred dollars a year, as shall be fixed by the warden of said prison, subject to the approval of the commissioners of prisons.

Repeal.

SECTION 2. So much of chapter two hundred and three of the acts of the year one thousand eight hundred and eighty-two as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved March 18, 1884.

AN ACT TO AUTHORIZE FIRE DISTRICT NUMBER ONE OF THE TOWN OF ATTLEBOROUGH TO PURCHASE THE PROPERTY AND FRANCHISE OF THE ATTLEBOROUGH WATER DISTRICT IN SAID ATTLEBOROUGH, AND FOR OTHER PURPOSES.

Chap. 96

Be it enacted, etc., as follows :

SECTION 1. The fire district number one of the town of Attleborough is hereby authorized to purchase and hold the franchise and corporate property and all the rights and privileges on condition of assuming all the debts, obligations and liabilities of the Attleborough water supply district of said Attleborough, at a price which may be mutually agreed upon between said districts ; and the said water supply district may sell and convey the same to said fire district. In case said districts are unable to agree, then the compensation to be paid shall be determined by three commissioners to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. This authority to purchase and convey said franchise and property is granted on the condition that the same is assented to by said districts, by a two-thirds vote of each district of the voters present and voting thereon at a meeting duly called for that purpose within two years from the passage of this act.

Fire District Number One may purchase franchise and property of the Attleborough Water District.

Subject to assent by a two-thirds vote of each district.

SECTION 2. Said fire district upon having purchased said property and franchise and assumed all the debts, obligations and liabilities of said water supply district, shall be and continue a body corporate in addition to its present powers, with all the powers, rights and privileges and subject to all the duties, obligations and liabilities of said water supply district in the manner provided in chapter two hundred and seventy-one of the acts of the year eighteen hundred and seventy-three, chapter one hundred and one of the acts of the year eighteen hundred and seventy-four and chapter ninety-nine of the acts of the year eighteen hundred and seventy-seven, unless otherwise provided or inconsistent herewith, and subject also to any general laws, which have been or may hereafter be enacted, applicable to such corporations.

Fire district to continue body corporate with all powers and duties of water supply district.

SECTION 3. Said fire district at a meeting duly called for that purpose shall choose by ballot a board of water commissioners, which shall have in charge the construction and maintenance of the works of the water supply depart-

Fire district to choose water commissioners.

Registrar and
sinking fund
Commissioners.

Officers to make
annual reports.

Vacancies.

Attleborough
Fire District
Number One
Bonds, not to
exceed \$50,000.

May supply
water through-
out the town.

ment and shall expend, for the purposes prescribed by the district, the money so raised for the water department. Said board of water commissioners shall consist of three members, one of whom shall be elected for one year, one for two years, and one for three years, and thereafter at each annual meeting, one water commissioner for three years. A registrar and, as their terms of office expire, sinking fund commissioners, shall be elected, in the manner now provided in said acts, at a meeting of said fire district duly called for that purpose. The treasurer shall receive all sums of money belonging to the district and shall pay over and account for the same, according to its order, to the order of the water commissioners, or to the order of the prudential committee of said fire district. The water commissioners and all other officers, in the manner now provided by said acts, shall annually make a full report in writing of their doings and expenditures. Any vacancy in either of these offices may be filled at a regular meeting of the voters of said district called for that purpose.

SECTION 4. Said fire district may issue bonds, signed by the treasurer of said district and countersigned by the water commissioners, to be denominated "Attleborough Fire District Number One Bonds," to an amount not to exceed fifty thousand dollars, bearing interest payable semi-annually, at a rate not exceeding six per centum per annum, in addition to the bonds already issued by said water supply district, the principal payable at periods of not more than thirty years from the date of issue. Said district may sell said bonds at public or private sale upon such terms and conditions as it may deem proper; and may annually raise money by taxation in the manner and for the purposes now provided by said acts.

SECTION 5. Said fire district may sell, convey and supply water to corporations and persons outside the limits of the district and within the limits of the town.

SECTION 6. This act shall take effect upon its passage.

Approved March 21, 1884.

Chap. 97 AN ACT TO INCORPORATE THE GRANITE SAVINGS BANK IN THE TOWN OF ROCKPORT.

Be it enacted, etc., as follows:

Granite Savings
Bank in Rock-
port incorpo-
rated.

SECTION 1. William E. Winsor, John L. Woodfull, John W. Marshall, George Elwell, George M. McClean, Nathaniel Richardson, Jr., Francis Tarr, Frank Scripture,

William H. Colby, George A. Lowe, their associates and successors, are hereby made a corporation by the name of the Granite Savings Bank, to be located in the town of Rockport; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1884.

AN ACT CONCERNING CONTAGIOUS DISEASES.

Chap. 98

Be it enacted, etc., as follows:

SECTION 1. When a householder knows that a person within his family is sick of small pox, diphtheria, scarlet fever or any other disease dangerous to the public health, he shall immediately give notice thereof to the selectmen or board of health of the town in which he dwells, and upon the death, recovery or removal of such person, the rooms occupied and the articles used by him shall be disinfected by such householder in a manner approved by the board of health. Any person neglecting or refusing to comply with either of the above provisions shall forfeit a sum not exceeding one hundred dollars.

Powers and duties.

Householders to notify selectmen, etc., of disease dangerous to the public health.

Penalty.

SECTION 2. When a physician knows that a person whom he is called to visit is infected with small pox, diphtheria, scarlet fever or any other disease dangerous to the public health, he shall immediately give notice thereof to the selectmen or board of health of the town; and if he refuses or neglects to give such notice he shall forfeit for each offence not less than fifty nor more than two hundred dollars.

Physicians to notify board of health, etc., of cases of dangerous disease.

Penalty.

SECTION 3. The boards of health in the several cities and towns shall cause a record to be kept of all reports received in pursuance of the preceding sections and such record shall contain the names of all persons who are sick, the localities in which they live, the diseases with which they are affected, together with the date and the names of the persons reporting any such cases. The boards of health shall give the school committee immediate information of all cases of contagious diseases reported to them according to the provisions of this act.

Board of health to keep record of reports received.

SECTION 4. The secretary of the Commonwealth shall furnish the boards of health with blank books for the record of cases of contagious diseases as above provided.

Secretary to furnish blank books for the record.

Repeal.

SECTION 5. Sections seventy-eight and seventy-nine of chapter eighty of the Public Statutes are hereby repealed.

Approved March 21, 1884.

Chap. 99 AN ACT TO PROHIBIT THE EXHIBITION OF DEFORMITIES FOR HIRE.

Be it enacted, etc., as follows:

Exhibition of
deformities
prohibited.

SECTION 1. No deformed person who is a minor or insane, and no person who has an appearance of deformity produced by artificial means, shall be exhibited for hire.

Penalty.

SECTION 2. Any person violating any of the provisions of this act shall be punished by fine not exceeding five hundred dollars.

Approved March 21, 1884.

Chap. 100 AN ACT TO AUTHORIZE THE TOWN OF IPSWICH TO RAISE MONEY TO CELEBRATE THE TWO HUNDRED AND FIFTIETH ANNIVERSARY OF ITS INCORPORATION.

Be it enacted, etc., as follows:

May raise
money to
celebrate
anniversary of
incorporation.

SECTION 1. The town of Ipswich may at its annual meeting held in March or April of the present year raise by taxation or appropriate a sum of money not exceeding one thousand dollars for the purpose of celebrating the two hundred and fiftieth anniversary of its incorporation.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1884.

Chap. 101 AN ACT TO AUTHORIZE THE CITY OF MALDEN TO ISSUE ADDITIONAL WATER FUND BONDS.

Be it enacted, etc., as follows:

May issue
additional water
fund bonds.

SECTION 1. The city of Malden, for the purposes mentioned in the third section of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, may issue water fund bonds to an amount not exceeding fifty thousand dollars, in addition to the amount authorized by said third section and by chapter one hundred and sixteen of the acts of the year eighteen hundred and seventy-two, and chapter two hundred and twenty-three of the acts of the year eighteen hundred and seventy-six, upon like terms and conditions, and with like powers in all respects as are provided in said chapter one hundred and sixty of the acts of the year eighteen hundred and seventy for the issue of water fund bonds of said town.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1884.

AN ACT TO AUTHORIZE THE TOWN OF SOUTH ABINGTON TO MAKE *Chap.102*
AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows :

SECTION 1. The town of South Abington for the purposes mentioned in section five of chapter one hundred and fifty-two of the acts of the year eighteen hundred and eighty-three, may issue notes, bonds or scrip to be denominated on the face thereof "South Abington Water Loan," to an amount not exceeding fifty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes ; said notes, bonds or scrip to be issued upon the same terms and conditions and with the same powers as are provided in the said act for the issue of the "South Abington Water Loan :"
provided, that the whole amount of such notes, bonds or scrip issued by said town, together with those heretofore issued by said town for the same purposes, shall not in any event exceed the amount of one hundred thousand dollars.

South Abington
Water Loan.

Not to exceed
\$100,000.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1884.

AN ACT TO PROVIDE FOR THE FURNISHING OF FREE TEXT-BOOKS *Chap.103*
AND SCHOOL SUPPLIES TO THE PUPILS OF THE PUBLIC SCHOOLS.

Be it enacted, etc., as follows :

SECTION 1. The school committee of every city and town shall purchase, at the expense of such city or town, text-books and other school supplies used in the public schools ; and said text-books and supplies shall be loaned to the pupils of said public schools free of charge, subject to such rules and regulations as to care and custody as the school committee may prescribe.

Text-books etc ,
to be loaned to
pupils in public
schools free of
charge.

SECTION 2. Pupils supplied with text-books at the time of the passage of this act shall not be supplied with similar books by the committee until needed.

Pupils supplied
not to be fur-
nished with
books until
needed.

SECTION 3. This act shall take effect upon the first day of August eighteen hundred and eighty-four.

To take effect
Aug. 1, 1884.

Approved March 22, 1884.

*Chap.*104 AN ACT TO AUTHORIZE THE BOSTON AND ALBANY RAILROAD COMPANY TO TAKE LAND AND BUILD A BRANCH OF ITS ROAD THROUGH THE CITY OF NEWTON.

Be it enacted, etc., as follows:

May build a branch of its road through the city of Newton.

SECTION 1. The Boston and Albany Railroad Company may in accordance with the provisions of chapter one hundred and twelve of the Public Statutes, and without additional capital stock, take land for and build a branch of its road from a point on the main line thereof near the station thereon at Riverside in the city of Newton, to and connecting with the Newton Highlands branch, so called, of its road, at any point thereon westerly of Boylston Street crossing thereof in said Newton.

To take effect upon acceptance.

SECTION 2. This act shall take effect upon its acceptance by the directors of the Boston and Albany Railroad Company.

Approved March 25, 1884.

*Chap.*105 AN ACT TO AUTHORIZE THE TOWN OF BROOKLINE TO ISSUE ADDITIONAL WATER SCRIP.

Be it enacted, etc., as follows:

Brookline Water Scrip.

SECTION 1. The town of Brookline, for the purpose mentioned in section five of chapter three hundred and forty-three of the acts of the year eighteen hundred and seventy-two, may issue notes, scrip or certificates of debt, to be denominated on the face thereof "Brookline Water Scrip," to an amount not exceeding one hundred thousand dollars in addition to the sum which said town is now authorized to issue, to be issued upon the same terms and conditions, and with the same powers, as are granted in said chapter: *provided*, that the whole amount of such notes, scrip or certificates of debt issued by said town for the purpose before mentioned shall not in any event exceed the sum of seven hundred thousand dollars.

Whole amount not to exceed \$700,000.

Subject to acceptance by a two-thirds vote.

SECTION 2. This act shall take effect upon its passage, but shall become void unless accepted by two-thirds of the voters of said town present and voting thereon at a legal town meeting called for that purpose within two years from the time of the passage of this act.

Approved March 26, 1884.

AN ACT TO INCORPORATE THE HOLLISTON WATER COMPANY.

*Chap. 106**Be it enacted, etc., as follows :*

SECTION 1. John D. Shippee, Moses Joy, Jr., John P. Daniels, Zephaniah Talbot, Charles E. Spring, their associates and successors, are hereby made a corporation by the name of the Holliston Water Company, for the purpose of furnishing the inhabitants of Holliston with pure water for the extinguishment of fires and for domestic and other purposes, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force regulating such corporations.

Holliston Water Company incorporated.

May supply Holliston with water.

SECTION 2. Said corporation may take, hold and convey through the town of Holliston, or any part thereof, the water, so far as may be necessary for the purpose, of any spring or springs or of any stream or streams within said town of Holliston, and may take and hold by purchase or otherwise any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the water so taken and held ; and may lay its water pipes through any private lands with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections ; and for the purposes aforesaid may carry its pipes under or over any water-course, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same ; and may under the direction of the board of selectmen enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works ; and in general may do any other acts and things convenient or proper for carrying out the purposes of this act.

May take the waters of any springs or streams in Holliston.

May lay pipes through private lands.

May dig up roads under the direction of the selectmen.

SECTION 3. Said corporation shall, within sixty days after the taking of any land or water rights under the provisions of this act, file in the registry of deeds for the southern district of the county of Middlesex a description of any land or water rights so taken sufficiently accurate for identification, with a statement of the purposes for which it is so taken, and the title of the land or water rights so taken shall vest in said corporation. Any person or corporation injured in any way by any acts of said corporation, and failing to agree with said corporation as to

A description of the land etc., taken, to be filed in the registry of deeds within sixty days.

the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter; and no suit for injury done under this act shall be brought after three years from the date of the alleged receipt of injury.

Application not to be made for damages until water is actually taken.

Suit not to be brought after three years.

May fix and collect water rates.

May supply water to the town, etc.

Real estate and capital stock.

Penalty for diverting water or rendering it impure.

May purchase any aqueduct now in use.

SECTION 4. Said corporation may distribute the water through said Holliston, may establish and fix from time to time the rates for the use of said water, and collect the same; and may make such contracts with the town of Holliston, or any fire district that may hereafter be established therein, or with individuals or corporations, to supply water for fire or for other purposes, as may be agreed upon by said town or fire district or individuals or corporations, and said corporation.

SECTION 5. Said corporation, for the purposes set forth in this act, may hold real estate not exceeding in amount thirty thousand dollars; and the whole capital stock shall not exceed fifty thousand dollars, to be divided into shares of fifty dollars each.

SECTION 6. If any person shall use any of said water taken under this act without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam or aqueduct, pipe, conduit, hydrant, machinery, or other works or property held, owned or used by said corporation, under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

SECTION 7. Said corporation may purchase from the owner or owners of any aqueduct now used in furnishing water to the inhabitants of said town of Holliston, his or their whole water right, estate, property and privileges, and by such purchase shall become entitled to all the rights

and privileges, and subject to all the liabilities and duties, appertaining and belonging to such owner or owners.

SECTION 8. The Holliston Water Company may issue bonds, and secure the same by a mortgage on its works, structures, equipments, franchise and other property, real or personal, to an amount which shall not exceed the capital stock of said company actually paid in and applied to the construction or completion of said Holliston Water Company's works.

May issue bonds and secure same by mortgage.

SECTION 9. The town of Holliston shall have the right, at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company at a price which may be mutually agreed upon between said corporation and the said town of Holliston; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon both parties. And this authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose.

Town may purchase corporate property and rights of company.

If parties cannot agree, compensation to be determined by commissioners appointed by the court.

Subject to assent by a two-thirds vote.

SECTION 10. This act shall be null and void unless said corporation shall within three years from the passage thereof avail itself of its provisions and commence a prosecution of the work herein authorized.

Work to be commenced within three years.

SECTION 11. The owners of lands and water rights taken under this act, upon application by either party for an estimate of damages, may require said corporation to give security, satisfactory to the board of selectmen of said town, for the payment of all damages and costs which may be awarded to them for the land or other property taken. And if upon petition of the owner with notice to the adverse party, the security appears to the selectmen of said town to have become insufficient, they shall require said corporation to give further security to their satisfaction, and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

Security to be given for payment of damages, if required.

SECTION 12. This act shall take effect upon its passage.

Approved March 26, 1884.

Chap. 107 AN ACT TO INCORPORATE THE SUNDERLAND WATER COMPANY.

Be it enacted, etc., as follows:

Sunderland
Water
Company
incorporated.

May supply
Sunderland
with water.

May take the
water of Saw-
Mill Brook, etc.

May erect dams
and other
structures.

May lay down
conduits and
pipes.

May dig up
lands and ways.

A description of
lands etc., taken
to be recorded
in the registry
of deeds.

SECTION 1. Joel Burt, N. Austin Smith and Austin D. Smith, their associates and successors, are hereby made a corporation by the name of the Sunderland Water Company, for the purpose of furnishing the inhabitants of Sunderland with pure water for the extinguishment of fires and for domestic and other purposes, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the general laws which now are or hereafter may be in force regulating such corporations.

SECTION 2. The said corporation for the purposes aforesaid may take by purchase or otherwise, hold and convey through the town of Sunderland the water of "Saw-Mill Brook," so called, in said town, and the waters which flow into the same, and may take and hold by purchase or otherwise the water rights connected with such water-sources, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water-courses, railroads, or other public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water-sources or easements as aforesaid, other than

by purchase, file and cause to be recorded in the registry of deeds for the county of Franklin, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water-source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury under the authority of this act, but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Liability for damages.

Application for damages not to be made until water is actually diverted.

SECTION 5. Said corporation may distribute the water through said town of Sunderland; may establish and fix from time to time the rates for the use of said water, and collect the same; and may make such contracts with the said town or any fire district that is or may be hereafter established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes, as may be agreed upon by said town, such fire district, individual or corporation, and said corporation.

May fix and collect water rates.

May supply water to the town, etc.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount ten thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Real estate and capital stock.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property, owned, held or used by said corporation, under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of dam-

Penalty for wilfully polluting or diverting water.

ages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars, or by imprisonment not exceeding one year.

The town or any fire district therein may purchase the corporate rights and property of the company.

If parties cannot agree, price to be determined by commissioners appointed by the court.

Purchase subject to assent by a two-thirds vote.

Security to be given for payment of damages, if required.

Work to be commenced within three years.

SECTION 8. The said town of Sunderland, or any fire district that may be established therein, shall have the right, at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said corporation, at a price which may be mutually agreed upon between said corporation and the said town or fire district; and the said corporation is authorized to make sale of the same to said town or fire district. In case said corporation and said town or fire district are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award, when accepted by said court, shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town or fire district by a two-thirds vote of the voters present and voting thereon at a legal meeting called for that purpose.

SECTION 9. The selectmen of said town upon application of the owner of any land, water or water rights taken under this act, shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the said selectmen shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the said selectmen shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys or tests of the soil, shall be suspended until it gives the security as required.

SECTION 10. This act shall take effect upon its passage, but shall become null and void unless work is commenced under it within three years from the date of its passage.

Approved March 26, 1884.

AN ACT TO INCORPORATE THE LANCASTER WATER COMPANY.

Chap. 108

Be it enacted, etc., as follows:

SECTION 1. William H. McNeil, George A. Barker, Eugene V. R. Thayer, Williard Russell, John T. Langford, Spencer R. Merrick and D. F. Smith, and their associates and successors, are hereby made a corporation by the name of the Lancaster Water Company, for the purpose of furnishing the inhabitants of the town of Lancaster with water for the extinguishment of fires and for domestic and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Lancaster
Water
Company
incorporated.May furnish
Lancaster with
water.

SECTION 2. The said corporation for the purposes aforesaid may take by purchase or otherwise, and hold the waters of "Spectacle Pond," so called, in the town of Lancaster, and the waters which flow into and from the same and the water rights connected with any such water sources, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water-courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, repairing and maintaining such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May take waters
of Spectacle
Pond lands,
rights of way,
etc.May erect dams
and other
structures.May lay down
pipes and
conduits.May dig up
ways under
direction of
selectmen.

SECTION 3. The said corporation shall within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands

A description
of lands etc.,
taken to be
recorded in
registry deeds.

or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Liability for damages.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Application for damages not to be made until water is actually diverted.

May regulate use of water and fix and collect water rates.

SECTION 5. The said corporation may distribute the water through said town of Lancaster; may regulate the use of said water and fix and collect rates to be paid for the same; and may make such contracts with said town or with any fire district that is or may hereafter be established therein, or with any individual or corporation to supply water for the extinguishing of fire or for other purposes, as may be agreed upon by said town or such fire district, individual or corporation, and said corporation.

May connect conduits with those of the town of Clinton.

SECTION 6. The said corporation may at any time during the continuance of this charter connect its conduits or pipes with those of the town of Clinton at the boundary line between the towns of Clinton and Lancaster, if said town of Clinton shall consent thereto, and may contract with said town of Clinton for a supply of water necessary for the purposes of this act, upon such terms as said town of Clinton and said corporation may agree; and said town of Clinton is authorized to make such connection of its own conduits or pipes and to furnish water to said corporation and to enter into contracts for the same: *provided*, that nothing herein contained shall be construed to

Proviso.

compel said town of Clinton to make or permit said connection or to furnish said water; and, *provided, further*, Proviso. that whenever from any reason the supply of water of said town of Clinton shall not be more than sufficient for the needs of the residents of said town of Clinton, the residents of said town of Clinton shall be first supplied.

SECTION 7. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount ten thousand dollars; and the whole capital stock of said corporation shall not exceed in amount fifty thousand dollars, to be divided into shares of one hundred dollars each. Real estate and capital stock.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year. Penalty for wilfully corrupting or diverting water.

SECTION 9. The said corporation may purchase from the owners any aqueduct or water pipes now used in furnishing water for the purpose of extinguishing fires in said town of Lancaster and for domestic and other uses, all the estate, property, rights and privileges of such owners, and by such purchase shall become subject to all the liabilities and duties to such owners appertaining: *provided, however*, that the corporation hereby created shall before selling water for domestic purposes within the territory now supplied by the New Boston Aqueduct Company, except by mutual agreement, purchase the property and rights of said company upon such terms as said corporation and said company may mutually agree, or on failure of such agreement or purchase, then upon such terms as shall be prescribed by three commissioners to be appointed by the superior court after notice to both parties. May purchase any aqueduct or water pipes now in use.

SECTION 10. The said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation. May issue bonds and secure same by mortgage.

Town may purchase franchise and property at any time.

SECTION 11. The said town of Lancaster shall have the right at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property and all the rights and privileges of said corporation at a price which may be mutually agreed upon between said corporation and said town; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters of said town present and voting thereon at a meeting called for that purpose.

Subject to assent by a two-thirds vote.

Security to be given for payment of damages, if required.

SECTION 12. The selectmen of Lancaster upon application of the owner of any land, water or water rights taken under this act, shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the said selectmen shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the said selectmen shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security required.

Work to be commenced within two years.

SECTION 13. This act shall take effect upon its passage, but shall become void unless the work herein authorized is commenced within two years from the date of the passage of said act.

Approved March 26, 1884.

Chap. 109 AN ACT RELATING TO THE PUBLIC CEMETERIES IN THE TOWN OF WOBURN.

Be it enacted, etc., as follows:

Commissioners to be elected to have charge of the Woburn cemetery and public burial grounds.

SECTION 1. The town of Woburn is hereby authorized to elect by ballot, at any town meeting duly called, a board of five commissioners, who shall have the sole care, superintendence and management of the Woburn cemetery and

public burial grounds in said Woburn, one member of which board shall be elected for the term of five years, one for four years, one for three years, one for two years, and one for one year; said terms to expire with the end of the municipal or official year. Said board may be organized by the choice of a chairman and clerk from their number, and a majority of the board shall be a quorum for the exercise of the powers of said office. In case of a vacancy occurring in the board, by death, non-acceptance, disability, resignation or removal during any municipal or official year, the remaining members shall notify the board of selectmen of Woburn, in writing, thereof, and of a time and place appointed for a meeting of the two boards for the purpose of filling such vacancy, at least two weeks before the time appointed for said meeting, and in pursuance of such notice said two boards shall proceed to fill such vacancy until the end of the then current or official year by electing upon joint ballot a suitable person thereto; and at each successive annual election of town officers after the year one thousand eight hundred and eighty-four said town shall elect by ballot a suitable person or persons to serve on said board for the remainder of any unexpired term or terms, and for such full term of five years as shall expire before the next annual election.

SECTION 2. Said board of commissioners may lay out said Woburn cemetery, and lands which may be hereafter purchased and set apart by said town of Woburn for the purposes of said cemetery, in suitable lots or other suitable sub-divisions with proper paths and avenues; may plant, embellish and ornament the same, may inclose the same with proper fences, and erect such suitable edifices, appendages and conveniences, and make such improvements as they shall from time to time deem convenient; and may make all such by-laws, rules and regulations in the execution of their trust, not inconsistent with the laws of the Commonwealth, as they may deem expedient.

SECTION 3. Said board of commissioners shall have authority to grant and convey to any person, by deed or suitable conveyance made and executed in such manner and form as they may prescribe, the sole and exclusive right of burial, and of erecting tombs, cenotaphs and other monuments or structures, upon such terms and conditions as they shall by rules and regulations prescribe, and all such deeds and conveyances, and all thereafter

Vacancy.

May lay out cemetery in lots, embellish and ornament the same, inclose with fences and erect suitable edifices.

May convey by deed etc., the exclusive right of burial.

made of the same by the owners thereof may be recorded by said board of commissioners in suitable books of record, which said books shall be open to the public at all proper times.

Proceeds of sales to be paid into the town treasury.

SECTION 4. The proceeds of sales of lots or rights of burial in said Woburn cemetery shall be paid into the town treasury of said Woburn, be kept separate from its other funds, and be devoted to the improvement and embellishment of said cemetery and burial grounds as aforesaid, under the direction and subject to the order of said board of commissioners.

May take and hold any appropriation, gift or bequest.

SECTION 5. Said board of commissioners are authorized to take and hold any appropriation, grant, donation, gift or bequest heretofore made or hereafter to be made upon trust, to apply the same or the income thereof for the improvement or embellishment of said cemetery, or for the erection, repair or renewal of any monument, cenotaph, tablet, fence or other structure therein; or for the care, improvement or embellishment of any lot or its appurtenances in any manner or form consistent with the purposes for which said cemetery is established according to the terms of such appropriation, grant, donation, gift or bequest, or upon such terms and conditions as said board may establish, and may by an agreement or obligation bind themselves and their successors so to apply the same.

Funds in treasury to be invested under direction of commissioners.

SECTION 6. All funds now in the treasury of said town of Woburn belonging to the account of said cemetery and any and all sums of money so received by said board of commissioners shall be invested by the town treasurer of said Woburn, under the direction of said board of commissioners, and all the same and all property so received shall ever be kept separate from any other moneys or property belonging to said town, and the income of the same shall be received by its treasurer, be subject to the order of said board of commissioners, and be appropriated by them in such manner as shall in their opinion best promote the purposes for which said appropriation, grant, donation, gift or bequest was or is made; said board of commissioners and town treasurer shall be responsible to said town of Woburn for the faithful performance of their respective duties under the provisions of this act.

Limitation of indebtedness.

SECTION 7. Said board of commissioners shall not incur debts or liabilities for purposes other than aforesaid, nor to an amount exceeding the amount of the funds sub-

ject to their order as aforesaid; and they shall annually make and render a report in writing of their acts to said town of Woburn, and doings, of the condition of said cemetery and burial grounds, and account of their receipts and expenditures for the same, and of the funds subject to their order.

SECTION 8. This act shall be void unless accepted by a vote of said town of Woburn at a meeting duly called within four months from its passage.

Annual report.

Subject to acceptance by the town within four months.

SECTION 9. This act shall take effect upon its passage.

Approved March 26, 1884.

AN ACT TO INCORPORATE THE BRAINTREE WATER COMPANY.

Chap. 110

Be it enacted, etc., as follows:

SECTION 1. N. E. Hollis, Benjamin F. Dyer, George D. Willis, James T. Stevens, Alva S. Morrison, Samuel W. Hollis, Ebenezer Denton and their associates and successors, are hereby made a corporation, by the name of the Braintree Water Company, for the purpose of furnishing the inhabitants of the town of Braintree with water for the extinguishment of fires and for domestic and other purposes, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Braintree Water Company incorporated.

SECTION 2. The said corporation for the purposes aforesaid may take water from the Quincy Water Company at a price to be mutually agreed upon by the two corporations. In case of a failure to agree upon a price so to be paid, the price shall be determined by three commissioners to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon both corporations. The Quincy Water Company for the purpose of supplying water to the town of Braintree as provided in this act, may sell to the Braintree Water Company hereby incorporated such water as may be agreed upon, and upon the terms and conditions as herein provided for the purchase of the same by the said Braintree Water Company.

May take water from the Quincy Water Company.

If companies fail to agree, price to be determined by commissioners appointed by the court.

SECTION 3. The said corporation for the purposes aforesaid may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along such ways in

May lay down conduits and pipes.

May dig up
ways under
direction of
selectmen.

such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes or other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

Liability for
damages.

SECTION 4. The said corporation shall pay all damages sustained by any person in property or by anything done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within three years from the time of the doing of the injury under the authority of this act; but no application for assessment of damages shall be made after the expiration of said three years. The owners of lands and water rights taken under this act, upon application by either party for an estimate of damages may require said corporation to give security satisfactory to the board of selectmen of said town, for the payment of all damages and costs which may be awarded to them for the land or other property taken. And if, upon petition of the owner, with notice to the adverse party, the security appears to the selectmen of said town to have become insufficient, they shall require said corporation to give further security to their satisfaction, and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

May distribute
water and
fix and collect
water rates.

SECTION 5. The said corporation may distribute the water through said town of Braintree; may regulate the use of said water and fix and collect rates to be paid for the use of the same; and may make such contracts with the said town, or with any fire district that is or may hereafter be established therein or with any individual or corporation to supply water for the extinguishing of fire or for other purposes, as may be agreed upon by said town or such fire district, individual or corporation, and said corporation.

SECTION 6. The said corporation may for the purposes set forth in this act hold real estate not exceeding in amount twenty thousand dollars, and the capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.

Real estate and capital stock.

SECTION 7. The said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital actually paid in and applied to the purposes of its incorporation.

May issue bonds and secure same by mortgage.

SECTION 8. The said town of Braintree shall have the right, at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property and all the rights and privileges of said corporation, at a price which may be mutually agreed upon between said corporation and the said town, and the said corporation is authorized to make sale of the same to the town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters of said town present and voting thereon at a meeting called for that purpose.

Town may at any time purchase franchise and property.

Failing to agree, compensation to be fixed by commissioners.

Subject to assent by the town by a two-thirds vote.

SECTION 9. The said town for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time, bonds, notes or scrip to an amount not exceeding in the aggregate the sum of one hundred and twenty-five thousand dollars; such bonds, notes or scrip shall bear on their face "Braintree Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper. The said town shall provide at the time of contracting said loan for the establishment of a

Braintree water loan.

Sinking fund to be provided.

sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

To raise by annual taxation sufficient for current expenses and interest on loan.

SECTION 10. The said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Board of water commissioners to be elected.

SECTION 11. The said town shall, after its purchase of said franchise and corporate property as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specifically provided for, shall be vested in said board of water commissioners who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for that purpose.

Commissioners to be trustees of the sinking fund.

Vacancy.

SECTION 12. This act shall take effect upon its passage.

Approved March 26, 1884.

Chap. 111 AN ACT CONFERRING ON THE BOARD OF ALDERMEN OF CHELSEA CERTAIN POWERS RELATING TO ABATEMENT OF TAXES IN SAID CITY.

Be it enacted, etc., as follows:

Abatement of taxes by board of aldermen.

SECTION 1. All the powers now exercised by the county commissioners for the county of Middlesex relat-

ing to the abatement of taxes assessed by the assessors of the city of Chelsea, shall hereafter be vested in the board of aldermen of said city only; and said board of aldermen shall constitute the sole board of appeal on complaints for a refusal of said assessors to make abatement of taxes.

SECTION 2. This act shall not affect any legal proceedings already commenced.

Pending proceedings not affected. Subject to acceptance within sixty days.

SECTION 3. This act shall be void unless accepted within sixty days from its passage by a vote of two-thirds of the members of each branch of the city council of Chelsea present and voting thereon.

SECTION 4. This act shall take effect upon its passage.

Approved March 26, 1884.

AN ACT TO FIX THE SALARY OF THE TREASURER OF HAMPDEN COUNTY.

Chap.112

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the county of Hampden shall receive an annual salary of fifteen hundred dollars from and after the first day of January eighteen hundred and eighty-four, payable from the county treasury.

Salary established.

SECTION 2. So much of section two of chapter twenty-three of the Public Statutes as is inconsistent with this act is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 27, 1884.

AN ACT TO INCORPORATE THE MANSFIELD LAKE AQUEDUCT COMPANY.

Chap.113

Be it enacted, etc., as follows:

SECTION 1. Samuel Camp, Parley A. Russell, John A. Brewer, Justin Dewey, Edwin D. Brainard, their associates and successors, are hereby made a corporation by the name of the Mansfield Lake Aqueduct Company, for the purpose of supplying the inhabitants of the village of Great Barrington with water, subject to the limitations hereinafter contained; and for this purpose shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Mansfield Lake Aqueduct Company incorporated.

SECTION 2. Said corporation may take, hold and convey to, into and through the village of Great Barrington

May take the water of Mansfield Lake.

the water of Mansfield Lake, so called, situated in the town of Great Barrington, and may also take and hold by purchase or otherwise, any real estate necessary for laying and maintaining aqueducts for conducting, discharging and distributing water, and may take and hold any land in or around said pond, so far as may be necessary for the preservation and purity of the same. Said corporation shall, within sixty days from the time of taking any such land and said pond, file in the office of the registry of deeds in the southern district of the county of Berkshire a description of the lands and pond so taken as certain as is required in a conveyance of land, and a statement of the purposes for which it is taken, signed by the president of the corporation.

A description of land and pond taken to be filed in registry of deeds.

May build one or more permanent aqueducts.

May distribute water and fix rates.

Proviso.

SECTION 3. Said corporation may make and build one or more permanent aqueducts from said pond into and through the said village, and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the water in said pond; may make and establish public fountains and hydrants in such places as it may from time to time deem proper and prescribe the purpose for which they may be used, and may change or discontinue the same; may distribute the water throughout the said village, and may regulate the use of said water, and establish the prices or rents thereof: *provided, however*, that this corporation shall not supply any of the present patrons or takers of water from the Great Barrington Water Company, nor any other inhabitants of said village with water for family or household purposes unless in each case the Great Barrington Water Company shall for more than thirty days after a request in writing has been made therefor refuse, neglect or fail to furnish to such party a sufficient supply of water for the purposes aforesaid; and said corporation may, for the purposes aforesaid, carry and conduct any aqueducts or other works by it to be made and constructed over or under any water course, street, turnpike, road, railroad, highway or other way in such manner as to cause the least possible hindrance to the travel therein, and may enter upon and dig up any such road, street or other way for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same; *provided*, that in excavating for the purpose of laying the pipes and repairing the same

Work to be under supervision of selectmen.

the work shall be done under the direction of the selectmen of the town of Great Barrington.

SECTION 4. Said corporation shall be liable to pay all damages that shall be sustained by any person in his property by the taking of any land, water or water rights, or by constructing any aqueducts or other works for the purposes specified in this act; and if any person who shall sustain damages as aforesaid cannot agree with said corporation upon the amount of said damages, the same shall be ascertained, determined and recovered in the manner now provided by law in case of land taken for highway.

Liability for damages.

SECTION 5. Said corporation may hold real estate necessary and convenient for the purposes aforesaid, and its whole capital stock shall not exceed thirty thousand dollars, which shall be divided into shares of one hundred dollars each, and no pecuniary obligation shall be assumed by said corporation until one quarter part of its capital stock has actually been paid in in cash.

Real estate and capital stock.

SECTION 6. Any person who shall wilfully and wantonly divert or draw off the water of said pond when taken by said corporation pursuant to the provisions of this act, or who shall wilfully and wantonly corrupt the same or render it impure, or who shall wilfully and wantonly destroy or injure any dam or reservoir, aqueduct, pipe or hydrant or other property held, owned or used by the said corporation for the purposes of this act, shall pay three times the amount of actual damages to the said corporation, to be recovered in an action of tort; and every such person, upon conviction of either of the wilful and wanton acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding three years.

Penalty for wilfully corrupting or diverting the water.

SECTION 7. The said town of Great Barrington and any fire district that is or may hereafter be established therein, shall have the right at any time during the continuance of the charter hereby granted to purchase the franchise, corporate property and all the rights and privileges of said corporation, at a price which may be mutually agreed upon between said town or such fire district and said corporation; and the said corporation is authorized to make sale of the same to said town or to such fire district. In case said corporation and said town or such fire district are unable to agree then the compensation to

Town or any fire district therein may purchase franchise and property.

be paid shall be determined by three commissioners to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town or such fire district by a two-thirds vote of the voters of said town or such fire district present and voting thereon at a meeting called for that purpose.

Subject to assent by a two-thirds vote.

Work to be commenced within three years.

SECTION 8. This act shall take effect upon its passage, but shall become void unless work under it shall be commenced within three years from the date of its passage.

Approved March 27, 1884.

Chap. 114 AN ACT TO AUTHORIZE THE TOWN OF CLINTON TO ISSUE ADDITIONAL WATER BONDS, AND TO FURNISH WATER TO THE INHABITANTS OF LANCASTER, OR ANY CORPORATION THEREIN FOR FIRE, DOMESTIC AND OTHER PURPOSES.

Be it enacted, etc., as follows:

Town of Clinton may issue additional water bonds.

SECTION 1. The town of Clinton in addition to the amount of notes, bonds and scrip authorized by section four of chapter ninety-eight of the acts of the year eighteen hundred seventy-six, and section three of chapter fourteen of the acts of the year eighteen hundred eighty-two, may issue a further amount of notes, bonds and scrip not exceeding the sum of fifty thousand dollars in accordance with the provisions of the acts herein referred to, and for the purposes named therein.

May sell water to inhabitants of Lancaster.

SECTION 2. The town of Clinton is authorized to sell to the inhabitants of the town of Lancaster residing along the main pipe line of said town of Clinton where it passes through said Lancaster, a supply of water for the extinguishment of fires and for domestic and other purposes.

May sell water to the Lancaster Water Company.

SECTION 3. The town of Clinton may at any time during the continuance of the charter of the Lancaster Water Company, sell to said company a supply of water needed for the purposes for which said Lancaster Water Company was incorporated, and upon such terms as said town and said company may agree; and said water company may during the continuance of its charter connect its conduits or pipes with those of the town of Clinton at the boundary line between said towns of Clinton and Lancaster, or at any other convenient point within the limits of said town of Lancaster where the pipes and conduits of

Lancaster Water Company may connect pipes with those of town of Clinton.

said town of Clinton are now laid: *provided*, that the town of Clinton shall assent thereto; but nothing herein contained shall be construed to compel said town of Clinton to make or permit such connections or furnish such water; and *provided, further*, that in case the town of Clinton should agree to furnish water to the Lancaster Water Company as herein provided, if from any reason the supply of water of the town of Clinton shall not be more than is sufficient for the needs of its own inhabitants, then the needs of its own inhabitants shall be first supplied, and any contract made by the town of Clinton with the Lancaster Water Company shall be made with this condition.

Provisos.

SECTION 4. This act shall take effect upon its passage, but shall become void unless accepted by the vote of two thirds of the legal voters of the town of Clinton present and voting thereon at a legal meeting called for that purpose, within six months from the date of its passage.

Subject to acceptance by a two-thirds vote.

Approved March 27, 1884.

AN ACT RELATING TO THE ELIGIBILITY TO OFFICE OF MEMBERS OF THE CITY COUNCIL OF THE CITY OF BOSTON. *Chap.115*

Be it enacted, etc., as follows:

No member of the city council of the city of Boston shall be eligible, during the term for which he was chosen, to any office by appointment or by election of said city council or either branch thereof, the salary of which office is payable from the city treasury.

Members of city council of Boston not eligible to certain offices.

Approved March 27, 1884.

AN ACT PROVIDING FOR THE APPOINTMENT OF FEMALE ASSISTANT PHYSICIANS IN STATE LUNATIC HOSPITALS. *Chap.116*

Be it enacted, etc., as follows:

In each of the state lunatic hospitals from and after the first day of January in the year eighteen hundred and eighty-five an educated female physician shall be appointed assistant physician.

Female assistant physicians in state lunatic hospitals.

Approved March 27, 1884.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN TO BORROW MONEY FOR THE PURPOSE OF BUILDING A NEW JAIL AND HOUSE OF CORRECTION. *Chap.117*

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Franklin are hereby authorized to borrow, on the credit

May borrow money to build a jail and house of correction.

of said county, such sums not exceeding in all thirty-five thousand dollars as may be necessary to build a new jail and house of correction, or to alter or enlarge that now in use, in said county.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1884.

Chap.118 AN ACT RELATING TO THE EXPENSE OF RECORDING PROBATE PROCEEDINGS IN THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Expense of recording probate proceedings not to exceed \$2,000 in any one year.

SECTION 1. The expense of recording probate proceedings in the county of Suffolk, regulated by section forty-four of chapter one hundred and fifty-six of the Public Statutes, shall not exceed two thousand dollars in any one year. So much of said section forty-four as is inconsistent with this act is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1884.

Chap.119 AN ACT IN RELATION TO DEPOSITS MADE BY DOMESTIC INSURANCE COMPANIES WITH THE TREASURER OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Treasurer to return securities to home insurance companies upon certificate of commissioner.

SECTION 1. The treasurer of the Commonwealth is hereby directed to return to any domestic insurance company, the whole or any part of the securities of such company held on deposit by him in pursuance of section one hundred and fifty-six of chapter one hundred and nineteen of the Public Statutes, upon the written request of such company accompanied by the certificate of the insurance commissioner that the securities of which the return is requested are not required to be held under the provisions of said section.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1884.

Chap.120 AN ACT RELATING TO THE RE-INSURANCE OF RISKS TAKEN BY INSURANCE COMPANIES ON PROPERTY IN THIS COMMONWEALTH.

Be it enacted, etc., as follows:

Re-insurance only to be effected in companies authorized to do business in this state.

SECTION 1. No foreign or other insurance company, association, partnership, firm or individual authorized to transact the business of insurance in this Commonwealth, shall directly or indirectly contract for or effect any re-insurance of any risk taken by it on property in this Com-

monwealth with any insurance company, association, partnership, firm or individual not authorized to transact said business of insurance in this Commonwealth in accordance with the laws thereof.

SECTION 2. Any company or agent violating the provisions of this act shall be punished by a fine of five hundred dollars. Penalty

Approved March 28, 1884.

AN ACT TO DISSOLVE THE FIRST CONGREGATIONAL PARISH OF HAMILTON AND TO CONFIRM THE CONVEYANCE OF ITS PROPERTY TO THE FIRST CONGREGATIONAL SOCIETY OF HAMILTON.

Chap. 121

Be it enacted, etc., as follows :

SECTION 1. The conveyance of the property of the First Congregational Parish of Hamilton, incorporated under chapter eighty-nine, of the acts of the year eighteen hundred twenty-nine, approved February twenty-seventh, eighteen hundred twenty-nine, to the First Congregational Society of Hamilton, a corporation established under general laws, is hereby ratified and confirmed, and said first named corporation is hereby dissolved, and its rights, privileges and property shall be vested in said First Congregational Society of Hamilton. Conveyance of property confirmed.
Parish dissolved.

SECTION 2. Any person claiming to be aggrieved by the provisions of this act may at any time within one year after it takes effect apply by petition to the superior court for the county of Essex for assessment of his damages, and the same shall be assessed and determined by and under the direction of said court, and shall be paid by said First Congregational Society of Hamilton, which shall have notice of the pendency of such petition and may defend the same. Liability for damages.

SECTION 3. This act shall take effect upon its acceptance by said First Congregational Society of Hamilton at a legal meeting thereof called and held for that purpose within three months from its passage. To take effect upon acceptance within three months.

Approved March 31, 1884.

AN ACT TO ENABLE CITIES AND TOWNS TO PROSECUTE OR DEFEND ACTIONS IN THE NAME OF OR AGAINST ABOLISHED SCHOOL DISTRICTS.

Chap. 122

Be it enacted, etc., as follows :

SECTION 1. Any city or town shall have the same right to prosecute or defend any action, suit or proceeding May prosecute or defend actions in name

of or against
abolished school
districts.

commenced or which may be commenced by or in the name of or against any abolished school district which existed within such city or town, as though such action, suit or proceeding were brought by or against such city or town.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1884.

Chap.123 AN ACT IN RELATION TO ASSESSORS AND ASSISTANT ASSESSORS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Terms of office
of assessors
and assistant
assessors in
Boston.

SECTION 1. Assessors and assistant assessors in the city of Boston may be elected in such manner and hold office for such term, not exceeding three years, as the city council of said city may by ordinance prescribe

Ordinances
confirmed.

SECTION 2. The ordinances of said city so far as they provide that assessors shall be elected and shall hold office for three years are hereby confirmed, and shall continue in force until the same are altered or repealed by the city council ; and the persons elected assessors under said ordinances shall continue in office according to the tenor of such ordinances.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1884.

Chap.124 AN ACT TO CHANGE THE NAME OF THE MITTINEAGUE CONGREGATIONAL SOCIETY.

Be it enacted, etc., as follows :

Name changed.

SECTION 1. The name of the Mittineague Congregational Society is hereby changed to the Mittineague Congregational Society of West Springfield.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1884.

Chap.125 AN ACT RELATING TO THE DIVISION OF CITIES INTO WARDS.

Be it enacted, etc., as follows :

Amendment to
P. S. 28, § 14.

SECTION 1. Section fourteen of chapter twenty-eight of the Public Statutes relating to the division of cities into wards is hereby amended so that the new division mentioned in said section shall not go into effect before the fifteenth day of December in the year in which it is made.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1884.

AN ACT IN RELATION TO THE VERIFICATION OF THE ACCOUNTS OF
ASSIGNEES IN INSOLVENCY. *Chap.126*

Be it enacted, etc., as follows:

SECTION 1. The accounts of an assignee in insolvency, required by section one hundred and two of chapter one hundred and fifty-seven of the Public Statutes, shall be verified by the oath of said assignee, and when there are two or more joint assignees their accounts may be allowed upon the oath of one of them.

Assignees in insolvency to swear to their accounts.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1884.

AN ACT TO INCORPORATE THE TOWN OF BOURNE.

Chap.127

Be it enacted, etc., as follows:

SECTION 1. All the territory now within the town of Sandwich comprised within the following limits, that is to say: — beginning at “Peaked Hill,” so called, situate on the shores of Cape Cod Bay, at the boundary line of the towns of Plymouth and Sandwich, and running southeasterly along the shore of said bay two thousand seven hundred and twenty-eight yards, thence southerly in a straight line to the northwest corner of “Freeman’s Lane,” so called, and the line of the Old Colony Railroad, thence southerly by the centre of “Freeman’s Lane” to the county road, thence southerly in a straight line to the junction of Pocasset road and Turpentine road, so called, thence southerly by the centre of Turpentine road to the dividing line between the towns of Sandwich and Falmouth, thence by that line to Buzzard’s Bay, thence by Buzzard’s Bay to the dividing line of the towns of Sandwich, Wareham and Plymouth, thence by the line dividing the towns of Sandwich and Plymouth to the point of beginning, — is hereby incorporated into a town by the name of Bourne; and said town of Bourne is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties and requisitions, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Town of Bourne incorporated.

SECTION 2. The inhabitants of said town of Bourne shall pay all arrears of taxes which have been legally assessed upon them by the town of Sandwich, and all taxes heretofore assessed upon them and upon property within the limits of Bourne and not collected shall be col-

Inhabitants to pay arrears of taxes assessed by the town of Sandwich.

lected and paid to the treasurer of the said town of Sandwich in the same manner as if this act had not been passed ; and until the next general valuation of estates in this Commonwealth, the town of Bourne shall pay annually to the said town of Sandwich the proportion of any state or county tax which the said town of Sandwich may be required to pay upon the inhabitants or estates hereby set off, said proportion to be ascertained and determined by the last valuation next preceding the passage of this act ; and the assessors of Sandwich shall make returns of said valuation, and the proportion thereof in the towns of Sandwich and Bourne respectively to the secretary of the Commonwealth and to the county commissioners of the county of Barnstable.

Assessors of Sandwich to make returns of valuation.

Liability for support of paupers.

SECTION 3. Said towns of Sandwich and Bourne shall be respectively liable for the support of all persons who do now or shall hereafter stand in need of relief as paupers, whose settlements were gained, whether by original acquisition or derivation, within their respective limits ; and said town of Bourne shall pay annually to said town of Sandwich three-sevenths of all costs paid by the last named town for the support or relief of those persons, who now do, or shall hereafter, stand in need of relief or support as paupers, and who have gained a settlement in said town of Sandwich in consequence of the military services of themselves, or of those through whom they derive their settlement : *provided*, that the person who rendered such military service was not at the time of his enlistment an inhabitant of the said town of Sandwich as heretofore constituted.

Proviso.

Suits and proceedings at law or in equity.

SECTION 4. All suits and proceedings at law or in equity, where the cause of action in favor of or against the town of Sandwich arose before the passage of this act, shall be instituted and prosecuted or defended, by said town of Sandwich with the same effect as if this act had not been passed ; and the amount recovered in any such suit or proceeding, by or against said town of Sandwich, shall be received or paid, as the case may be, by the town of Sandwich, and divided between the towns of Sandwich and Bourne in the same proportions as the public property and debts of the town of Sandwich are required to be divided by this act.

Division of property and debts.

SECTION 5. The corporate property both real and personal, including rights of action belonging to said town of

Sandwich at the date of the passage of this act, except as hereinafter provided, and the public debt existing at said date, shall be divided between the towns of Sandwich and Bourne according to the valuation of the property within their respective limits, as assessed May first eighteen hundred and eighty-three. Said towns of Sandwich and Bourne shall each retain and hold all the real property, public buildings and personal property used in connection therewith now in their respective limits. In case said towns of Sandwich and Bourne shall not agree in respect to a division of debts, unpaid taxes, state or county taxes, or support of paupers, or in relation to the value of the fisheries or any matter under this section or section eleven, the supreme judicial court for the county of Barnstable shall, upon petition of either town, appoint three commissioners, neither of whom shall be a resident of Barnstable county; and said petition may be filed and appointments made in vacation to hear the parties and determine the matters of difference; and their award, or the award of any two of them, being accepted by said court, shall be final; and said court shall have jurisdiction to render judgment or make any order or decree upon said award, to issue execution, or any other proper process, to enforce such judgment, decree or order. But the award shall not be set aside unless for fraud or manifest error; in which case the court may recommit the award, or appoint other commissioners, with the same powers and duties as the first, of whose proceedings the court shall have the same jurisdiction as herein before provided. In making said award the commissioners shall assign the corporate property belonging to the said town of Sandwich at the time of the passage of this act to the town within which said corporate property shall be situate or belong, so far as such division may be practicable; and said commissioners, may award a gross sum to the town of Bourne or Sandwich as the case may be, in order to make their division of corporate property just and equitable.

If towns fail to agree, matter to be determined by commissioners.

Award of commissioners.

SECTION 6. The town of Bourne shall, until otherwise provided by law, continue to be a part of the first congressional district, of the first councillor district, of the Cape senatorial district, and the first representative district of Barnstable county; and the inhabitants of said town of Bourne shall vote for each of said officers in the

Election districts.

town of Bourne. The selectmen and clerk of said town of Bourne, in each of said cases shall make returns as if said town had existed at the time of the formation of said districts.

First meeting
for election of
town officers.

SECTION 7. Any justice of the peace within and for Barnstable county, whose residence is in the town of Bourne, may issue his warrant directed to any inhabitant of said town of Bourne requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by posting copies thereof, attested by the person to whom the said warrant is directed, in three or more public places in said town of Bourne, seven days at least before such time of meeting. Such justice, or in his absence, such inhabitant required to notify the meeting, shall preside until the choice of moderator in said town meeting. The selectmen of said town of Sandwich shall, before said meeting, prepare a list of voters in said town of Bourne qualified to vote at said meeting, and shall deliver the same to the person presiding at said meeting before the choice of moderator thereof.

Bourne to pay
for surveys and
establishing
lines.

SECTION 8. Said town of Bourne shall bear the expense of making the necessary surveys and establishing the lines between the said towns of Sandwich and Bourne.

Reimbursement
for bounties
and for state aid
to soldiers.

SECTION 9. Said town of Bourne shall receive from the said town of Sandwich a proportionate part of whatever amount may hereafter be refunded to said town of Sandwich from the state or United States to reimburse it for bounties to soldiers, or state aid heretofore paid to soldiers' families, after deducting all reasonable expenses.

Regulation of
public fisheries.

SECTION 10. The towns of Sandwich and Bourne may severally regulate the public fisheries within their respective limits and the provisions of all special acts in relation to the fisheries of Sandwich heretofore passed shall be held to apply to the town in which any such fishery may be located: *provided, however*, that every inhabitant of Sandwich shall have the same rights in the public fisheries of Bourne that an inhabitant of Bourne shall have.

Proviso.

Rights in shell
fishery or other
fisheries.

SECTION 11. The town of Bourne shall pay to the town of Sandwich in money the proportionate share of said town of Sandwich in all rights, if any, in the shell

fishery or other fisheries accruing by this act to the town of Bourne, said proportion to be determined by the valuation of the property within the limits of the respective towns on the first day of May in the year eighteen hundred and eighty-three. And the town of Bourne shall have the management and control of the fisheries in said town subject to the rights of the inhabitants of Sandwich under section ten of this act.

SECTION 12. All rights heretofore secured to existing corporations upon the territory hereby incorporated shall continue as though this act had not been passed.

Rights of corporations not impaired.

SECTION 13. This act shall take effect upon its passage.

Approved April 2, 1884.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE LAST ANNUAL TOWN MEETING OF THE TOWN OF ROYALSTON.

Chap. 128

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the annual town meeting of the town of Royalston, held on the first Monday of March in the year eighteen hundred eighty-four, shall not be invalid for the reason that the tellers appointed to aid in checking the names of voters and in assorting and counting the votes, were not sworn, and the election of the town officers at said meeting is ratified and confirmed.

Proceedings of town meeting confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1884.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO ISSUE NOTES, BONDS AND SCRIP.

Chap. 129

Be it enacted, etc., as follows:

SECTION 1. Any city or town which has already incurred or shall hereafter incur a debt under the provisions of chapter twenty-nine of the Public Statutes may issue notes, bonds or scrip therefor properly denominated on the face thereof and signed by its treasurer and countersigned in case of a city by its mayor, and in case of a town, by a majority of its board of selectmen, and within the limitations as to amount and time of payment prescribed in said chapter twenty-nine, with interest payable semi-annually at a rate not exceeding six per cent. per annum; and may sell said notes, bonds or scrip at public or private sale, or use the same in payment of such debts upon such terms and conditions as it may deem proper,

Issue of bonds, notes and scrip by cities and towns.

Bonds, etc., may be sold at public or private sale.

provided that said notes, bonds and scrip shall not be sold at less than par.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1884.

Chap.130 AN ACT TO AUTHORIZE THE NORTH ATTLEBOROUGH GAS LIGHT COMPANY TO LAY PIPES IN WRENTHAM, AND TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows :

May lay pipes
in Wrentham.

SECTION 1. The North Attleborough Gas Light Company is hereby authorized to lay and maintain pipes for the purpose of supplying gas within the town of Wrentham, subject to the provisions of all laws that now are or may hereafter be in force relating to gas light corporations.

May increase
capital stock.

SECTION 2. The said corporation is hereby authorized to increase its capital stock to an amount not exceeding one hundred and fifty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1884.

Chap.131 AN ACT CONCERNING COSTS AND EXPENSES IN PROBATE PROCEEDINGS.

Be it enacted, etc., as follows :

Costs and ex-
penses in
probate pro-
ceedings.

SECTION 1. Section thirty-five of chapter one hundred and fifty-six of the Public Statutes relating to the allowance of costs in probate proceedings is hereby amended by inserting after the word "costs" in the second line thereof, the words "and expenses."

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1884.

Chap.132 AN ACT IN RELATION TO THE PROPERTY RIGHTS OF HUSBAND AND WIFE.

Be it enacted, etc., as follows :

Transfer of
property be-
tween husband
and wife.
P. S. 147, § 3.

SECTION 1. Section three of chapter one hundred and forty-seven of the Public Statutes is hereby amended by striking out at the commencement thereof the words "A husband and wife shall not transfer property to each other," and by inserting in place of the same the words "Nothing contained in the preceding sections shall authorize a husband or a wife to transfer property one to the other."

Certain trans-
fers not invali-
dated.

SECTION 2. No transfer of property made since the Public Statutes took effect, which would not have been

invalidated by the said section as hereby amended, shall be deemed to be invalid by reason of anything contained in the said section prior to its being so amended.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1884.

AN ACT TO AUTHORIZE THE MILFORD AND WOONSOCKET RAILROAD COMPANY TO PURCHASE OR TAKE A LEASE OF THE HOPKINTON RAILROAD AND INCREASE ITS CAPITAL STOCK.

Chap. 133

Be it enacted, etc., as follows:

SECTION 1. The Milford and Woonsocket Railroad Company is hereby authorized to purchase the franchise, road and property lately owned by the Hopkinton Railroad Company, located and built between Ashland in the county of Middlesex and Milford in the county of Worcester, and sold to and now owned by George Draper of said Milford in execution of a power of sale contained in a mortgage of said franchise, road and property, upon such terms as the directors may agree upon and which shall be approved by the stockholders of the said Milford and Woonsocket Railroad Company.

May purchase Hopkinton Railroad owned by George Draper.

SECTION 2. The said Milford and Woonsocket Railroad Company may, for the purpose herein before named, increase its capital stock to an amount not exceeding two hundred thousand dollars.

May increase capital stock.

SECTION 3. Until the purchase is made according to the provisions contained in section one, the said Milford and Woonsocket Railroad Company is hereby authorized to take a lease of and operate the said Hopkinton Railroad, upon such terms as may be agreed upon by the directors, and approved by the stockholders of said company.

May take a lease until purchase is effected.

SECTION 4. This act shall take effect upon its passage.

Approved April 4, 1884.

AN ACT TO AUTHORIZE RAILROAD COMPANIES TO TAKE LAND FOR ADDITIONAL TRACKS AND FOR OTHER PURPOSES.

Chap. 134

Be it enacted, etc., as follows:

Section ninety-one of chapter one hundred and twelve of the Public Statutes is amended so as to read as follows:— If a railroad corporation, for the purpose of making or securing its road, or for depot or station purposes, requires land or materials without the limits of the route fixed or requires additional land for one or more new tracks adja-

May take land for additional tracks and for other purposes.

cent to other land occupied by such corporation by a track or tracks already in use, and is unable to obtain the same by agreement with the owner, it may apply to the county commissioners, who, after notice to the owner, may prescribe the limits within which the same may be taken without his permission in the manner hereinafter provided; and the corporation shall file within one year with the commissioners of each county in which the same is situated, a location thereof duly certified by the clerk of the board, defining the courses, distances and boundaries of such land in such form and with such other particulars as may be required by the rules prescribed by the board: *provided*, that where public highways, buildings, parks or cemeteries are to be taken, the consent of the city or town in which the land is to be taken shall be first obtained.

Approved April 4, 1884.

Location to be filed within one year.

Proviso.

Chap. 135 AN ACT TO AUTHORIZE THE CITY OF LAWRENCE TO INCUR DEBTS IN ESTABLISHING A SYSTEM OF SEWERS, TO ISSUE BONDS AND TO ESTABLISH A SINKING FUND FOR THE PAYMENT THEREOF.

Be it enacted, etc., as follows:

May incur debts in establishing system of sewers.

SECTION 1. The city of Lawrence is hereby authorized to incur debts in the execution of the powers granted by chapter one hundred and seventy of the acts of the year eighteen hundred and eighty-two, and for that purpose to issue bonds, notes, scrip or certificates of debt to an amount not exceeding three hundred thousand dollars, which shall be payable at the expiration of periods not exceeding twenty years from the date of issue and bear interest payable semi-annually at a rate not exceeding six per centum per annum. Such bonds, notes, scrip and certificates shall be signed by the mayor and treasurer of said city and shall bear on their face the words "City of Lawrence, Sewer Loan, Act of eighteen hundred and eighty-four." The said city shall provide at the time of the issue of said bonds, notes, scrip or certificates for the establishment of a sinking fund, for the payment of the same according to the provisions of chapter twenty-nine of the Public Statutes, relating to the payment of debts incurred in the construction of sewers.

Sinking fund to be established.

Subject to acceptance within one year.

SECTION 2. This act shall take effect upon its passage but shall become void unless accepted by the city council of said city within one year from its passage.

Approved April 4, 1884.

AN ACT TO INCORPORATE THE BRADFORD WATER COMPANY.

*Chap. 136**Be it enacted, etc., as follows:*

SECTION 1. Samuel W. Hopkinson, William Cogswell, Albert L. Kimball, James H. Durgin, Albert Kimball, John B. Farrar, William Hilton, Charles B. Emerson and their associates and successors, are hereby made a corporation by the name of the Bradford Water Company, for the purpose of supplying the inhabitants of Bradford with water for the extinguishment of fires and for domestic and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Bradford Water Company incorporated.

SECTION 2. The said corporation for the purpose aforesaid, may take by purchase or otherwise, and hold water from the Merrimack River and the waters which flow into the same and the water rights connected therewith within the limits of said town of Bradford, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May take water from the Merrimack River.

May lay down conduits and other works.

May dig up highways.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently ac-

To cause to be recorded in the registry of deeds a description of land, etc., taken.

curate for identification, with a statement of the purpose for which the same were taken signed by the president of the corporation.

Liability for damages.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act who fails to agree with said corporation as to the amount of damages sustained may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act, but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Application for damages not to be made until water is actually diverted.

May fix and collect water rates.

SECTION 5. The said corporation may distribute the water through said town of Bradford; may regulate the use of said water and fix and collect rates to be paid for the use of the same; and may make such contracts with the said town, or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fires or for other purposes, as may be agreed upon by said town, or such fire district, individual or corporation, and said corporation.

Real estate and capital stock.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount ten thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Penalty for diverting or corrupting water

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of

tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

SECTION 8. The said corporation may issue bonds, and secure the same by a mortgage on its franchise and other property, to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

May issue bonds and secure by mortgage.

SECTION 9. The said town of Bradford shall have the right at any time during the continuance of the charter hereby granted to purchase the franchise, corporate property and all the rights and privileges of said corporation at a price which may be mutually agreed upon between said corporation and the said town; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose.

Town of Bradford may purchase franchise and property.

Subject to assent of town by a two-thirds vote.

SECTION 10. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

Security may be required for payment of damages.

SECTION 11. Said company shall not in any way interfere with or disturb the rights or privileges which Brad-

Rights of Bradford Academy not to be disturbed.

ford Academy, a corporation duly established under the laws of this Commonwealth and located in said town of Bradford, now enjoys for taking water from said Merri-mac River for the use and general purposes of said academy.

SECTION 12. This act shall take effect upon its passage.

Approved April 4, 1884.

Chap. 137 AN ACT CONCERNING A WATER SUPPLY FOR THE FIRE DISTRICT OF
THE TOWN OF DALTON.

Be it enacted, etc., as follows :

Fire district of
Dalton may
supply itself
with water.

SECTION 1. The fire district of the town of Dalton may supply itself and inhabitants with water for the extinguishment of fires and for domestic and other purposes ; may establish fountains and hydrants, re-locate or discontinue the same ; may regulate the use of such water and fix and collect rates to be paid for the use of the same.

May take
waters from
Cleveland and
Egypt Brooks.

SECTION 2. The said fire district may, for the purposes aforesaid take, by purchase or otherwise, and hold the waters from the Cleveland brook, so called, or the Egypt brook, so called, in said town of Dalton, and other small brooks near the same, as the said fire district may determine, and the waters which flow into and from the same, together with any water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water, and for conveying the same to any part of said town of Dalton ; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works ; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same ; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said fire district may dig up any such lands and under the direction of the board of selectmen of the town in which such ways are situated may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May lay down
conduits and
pipes.

May dig up
highways under
direction of the
selectmen.

SECTION 3. The said fire district shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the registry districts within which such lands or other property is situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

To cause to be recorded in the registry of deeds a description of land, etc., taken.

SECTION 4. Said fire district shall be liable to pay all damages to property sustained by any person or corporation by the taking of any lands, water or water rights by said fire district, or by the laying or maintaining of any aqueducts or other works for the purposes aforesaid. Any person or corporation sustaining damages as aforesaid, and unable to agree with the said district upon the amount of such damages, may have them assessed in the manner provided by law with respect to land taken for highways. Any person or corporation whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter.

Liability for damages.

Application for damages not to be made until water is actually diverted.

SECTION 5. The said fire district may for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue, from time to time, bonds, notes or scrip to an amount not exceeding in the aggregate fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words, "Dalton Fire District Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the fire district, be countersigned by the chairman of the prudential committee of said fire district, and by the chairman of the water commissioners. The said fire district may sell such securities at public or private sale at not less than par, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper.

Dalton Fire District Water Loan.

May sell or pledge securities.

SECTION 6. The said fire district shall establish a sinking fund and shall annually, after three years from the passage of this act, contribute to such fund a sum sufficient with the accumulations to pay the principal of said

Sinking fund to be established.

May pay principal by annual instalments.

To raise by taxation sufficient for interest and current expenses.

Town upon a two-thirds vote may guarantee payment.

Penalty for wilfully corrupting or diverting water.

Water commissioners to be elected.

loan at maturity. The sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose: *provided*, that the said town or fire district may instead of establishing said sinking fund, pay the principal of said loan by annual instalments not exceeding the sum of two thousand dollars in one year. The said fire district shall assess and collect upon the estates, real and personal, in said fire district by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the notes, scrip or certificates of debt issued as aforesaid by said fire district, and to make such contributions to the sinking fund, or payments on the principal as may be required under this act.

SECTION 7. The town of Dalton may, upon a two-thirds vote of the legal voters present and voting thereon at a legal meeting called for the purpose, guarantee the payment of said notes, scrip or certificates, provided such meeting is held within one year from the acceptance of this act by said fire district.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the water taken under this act, or destroys or injures any dam, conduit, hydrant, machinery or other works or property held, owned or used by said district under authority of and for the purposes of this act, shall forfeit and pay to the said district three times the amount of damage assessed therefor, to be recovered in an action of tort; and on conviction of any of the acts aforesaid may be punished by a fine of not less than twenty nor more than three hundred dollars or by imprisonment in jail not exceeding one year, or by an infliction of both the above penalties.

SECTION 9. At the meeting of said fire district called for the acceptance of this act, or at any legal meeting called for this purpose, three persons shall be elected by ballot to contract for and superintend the construction and completion of the water works, who shall exercise all rights, powers and privileges for that purpose herein granted, subject however to instructions and directions of the fire district, who shall constitute a board of water commissioners; one of said three persons shall be elected for a term ending on the day of the annual meeting of said fire district, in April, eighteen hundred and eighty-five; one

for a term one year longer than the first; and one for a term two years longer than the first; after which first election one member of said board, as the term of each incumbent expires, shall be elected at the annual district meeting to serve for the term of three years. The said commissioners shall be trustees of the sinking fund herein provided for. Said board of commissioners shall have charge of the water works and may fix the price or rent for the use of water, and may exercise all the rights, powers and authority granted to said district by this act relative to such duties, subject however to such instructions, rules and regulations as said district may impose by its vote, and a majority of said board of commissioners shall constitute a quorum for the transaction of business relative to the water works and the sinking fund. Any vacancy occurring in said board of commissioners from any cause may be filled by said district at any legal district meeting, for the unexpired term.

To be trustees
of the sinking
fund.

Vacancies in
board.

SECTION 10. This act shall take effect upon its passage; but no expenditure shall be made or liability incurred under the same, except for preliminary surveys and estimates, unless this act shall first be accepted by a vote of two-thirds of the legal voters of said fire district present and voting thereon at a legal meeting called for that purpose within three years from the passage of this act; the number of said meetings called for that purpose in any one year not to exceed two.

No expenditure
to be made until
accepted by a
two-thirds vote
of the district.

Approved April 7, 1884.

AN ACT TO INCORPORATE THE NEW ENGLAND ASSURANCE ASSOCIATION.

Chap. 138

Be it enacted, etc., as follows:

SECTION 1. Julius L. Clarke, Stillman B. Allen, Josiah S. Robinson, Eben D. Jordan, Charles Marsh, Moody Merrill, Albert Bowker, Nathaniel J. Bradlee, John Spaulding, James M. Burgess, Emery O. Bicknell, Stephen H. Rhodes, Joel Goldthwait, and Frederick Pope, their associates and successors, are made a corporation by the name of the New England Assurance Association, for the purposes hereinafter set forth; said corporation to have its principal place of business in the city of Boston, and to be subject to the provisions of all general laws which now are or hereafter may be in force applicable thereto.

Corporators.

Name.

Capital stock
and shares.

SECTION 2. The capital stock of said corporation shall be not less than fifty thousand dollars of the par value of one hundred dollars per share, and may be increased to three hundred thousand dollars, or to any intermediate amount by a vote of the stockholders at a meeting legally called for that purpose, the same to be invested in accordance with the provisions of section fifty-five of chapter one hundred and nineteen of the Public Statutes.

May insure
plate glass.

SECTION 3. The said corporation is hereby authorized and empowered to insure plate glass against loss or damage by breakage or injury, local or in transit.

Board of
directors.

SECTION 4. The board of directors of said corporation, each of whom shall hold in his own right not less than five hundred dollars par value of its capital stock, shall be classified into three divisions, the official term of the first to be limited to one year; the second to two years; and the third to three years; but each retiring member shall be eligible for re-election, if otherwise qualified therefor.

Each stock-
holder entitled
to one vote in
person or by
proxy.

SECTION 5. At every annual election of directors, each stockholder, except so far as prohibited by law, shall be entitled to one vote in person or by proxy on each share of stock owned or held by him in his own right for not less than thirty days immediately preceding such election.

Books open to
inspection of
tax and insur-
ance commis-
sioners.

SECTION 6. The books and investments of said corporation shall be open to the inspection of the insurance commissioner and of the tax commissioner of the Commonwealth; also to the inspection of the directors and stockholders subject to such rules as their by-laws may prescribe. No transfer of stock shall be valid unless made on said books and assigned by the shareholder, or by his attorney duly authorized in writing; and every shareholder shall be entitled to a certificate of his or her shares of the capital stock of said corporation.

Transfer of
stock.

May adopt a
corporate seal.

SECTION 7. The board of directors shall have power to devise and adopt a corporate seal for said corporation; and to exercise all the authority necessary and proper in carrying out its legitimate purpose and object, which may be consistent with this charter and with the laws of the Commonwealth.

SECTION 8. This act shall take effect upon its passage.

Approved April 10, 1884.

AN ACT TO AUTHORIZE THE TOWN OF NORTON TO RECEIVE AND *Chap.139*
HOLD CERTAIN PROPERTY IN TRUST.

Be it enacted, etc., as follows:

Section one of chapter two hundred and forty-six of the acts of the year eighteen hundred and eighty-three, is hereby amended so as to read as follows: — The town of Norton is hereby authorized to receive from Cyrus Hicks of Boston the sum of four thousand dollars, the same to be forever held in trust for the following purposes, to wit: — one half of the income of said fund shall be appropriated by said town towards defraying its ordinary expenses; and the other half of said income shall be appropriated for the purposes set forth in the declaration of trust, dated June thirtieth, eighteen hundred and eighty-three, signed by said Cyrus Hicks, and recorded with the town clerk of said town of Norton.

Town may receive property from Cyrus Hicks and hold the same in trust.

Approved April 10, 1884.

AN ACT TO PROVIDE FOR THE ATTENDANCE OF AN OFFICER AT *Chap.140*
THE SESSIONS OF THE PROBATE COURT AND THE COURT OF INSOLVENCY IN THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

SECTION 1. The judge of probate and insolvency for the county of Suffolk shall appoint a constable of the city of Boston to attend upon the sessions of the probate court and the court of insolvency for said county and to serve such orders, precepts and processes issuing therefrom, or from the judge thereof, as may be committed to him; and said officer shall receive from the treasury of said county a salary of twelve hundred dollars per annum to be paid in monthly instalments.

Constable to be appointed by judge to attend sessions of court.

Salary.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1884.

AN ACT RELATING TO SESSIONS OF PROBATE COURTS WHICH OCCUR *Chap.141*
ON LEGAL HOLIDAYS OR ON THE DAY OF THE NATIONAL OR STATE ELECTION.

Be it enacted, etc., as follows:

SECTION 1. Whenever a regular term of any probate court shall occur on a legal holiday or on the day of any national or state election said probate court shall be held on the next secular day thereafter; and all notices, citations, orders and other papers which are made returnable

When term occurs on holiday, or state or national election day, court to be held on next secular day.

to said regular term shall be held and deemed returnable to said next secular day, and the proceedings thereon shall be held and deemed to be of the same force and validity as if said notices, citations, orders and other papers had been made returnable to said next secular day.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1884.

Chap.142 AN ACT TO AUTHORIZE THE TOWN OF MANCHESTER TO LAY OUT A TOWN WAY AND BUILD A BRIDGE ACROSS A TIDE WATER CREEK IN SAID TOWN.

Be it enacted, etc., as follows:

Town may build bridge across a tide water creek.

SECTION 1. The town of Manchester subject to the provisions of chapter nineteen of the Public Statutes is hereby authorized to lay out a town way and to build and maintain a bridge without a draw therein, from the north-eastern point of land known as Little Crow Island, at Black Beach, so called, in said town, across a tide water creek to a point opposite or nearly opposite on the easterly side of said creek.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1884.

Chap.143 AN ACT TO CONFIRM THE PROCEEDINGS OF CERTAIN TOWN MEETINGS OF THE TOWN OF WALTHAM.

Be it enacted, etc., as follows:

Proceedings at town meetings ratified.

SECTION 1. The proceedings of the town meetings of the town of Waltham, held between the third day of June in the year eighteen hundred and seventy-two and the sixth day of November in the year eighteen hundred and eighty-three, shall not be invalid by reason of failure to notify and hold said meetings in accordance with the by-laws of said town.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1884.

Chap.144 AN ACT RELATING TO THE EPISCOPAL PARISH IN MARBLEHEAD.

Be it enacted, etc., as follows:

Communicants to have powers originally granted to proprietors.
1799, 28.

SECTION 1. The communicants of the Episcopal Parish in Marblehead, and those persons who shall hereafter become communicants thereof, shall have all the powers granted to the proprietors of appropriated pews by chapter twenty-eight of the acts of the year seventeen hundred

and ninety-nine, incorporating said parish, and shall be subject to all the liabilities imposed upon said proprietors by said act.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1884.

AN ACT TO AMEND AN ACT RELATING TO SUPPLYING THE CITY OF WORCESTER WITH PURE WATER. Chap.145

Be it enacted, etc., as follows:

SECTION 1. The third section of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and eighty-one is hereby amended by striking out all after the word “dollars,” and substituting in place thereof the following: “subject to the provisions of chapter twenty-nine of the Public Statutes.” Amendment to 1881, 268, § 3.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1884.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR. Chap.146

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, to wit:— Appropriations.

For the Massachusetts charitable eye and ear infirmary, ten thousand dollars, as authorized by chapter four of the resolves of the present year. Eye and ear infirmary.

For Rufus R. Wade, five hundred and forty-eight dollars, as authorized by chapter five of the resolves of the present year. Rufus R. Wade.

For the Fitchburg coöperative bank, eighty-three dollars and fifty cents, as authorized by chapter seven of the resolves of the present year. Fitchburg coöperative bank.

For George White, seven hundred and fifty dollars, as authorized by chapter eight of the resolves of the present year. George White.

For building coal sheds at the state prison at Concord, six thousand dollars, as authorized by chapter ten of the resolves of the present year. State prison at Concord.

For the trustees of the Massachusetts soldiers' home, in Chelsea, fifteen thousand dollars, as authorized by chapter seventeen of the resolves of the present year. Soldiers' home in Massachusetts.

Second clerk in bureau of statistics of labor.

For the salary of the second clerk in the bureau of statistics of labor, one thousand three hundred dollars, as authorized by chapter four of the acts of the present year.

Executive clerk.

For the salary of the executive clerk, three hundred dollars, as authorized by chapter eight of the acts of the present year, the same to be in addition to the amount heretofore appropriated.

Clerical assistance in office of secretary of the Commonwealth.

For extra clerical assistance in the department of the secretary of the Commonwealth, one thousand dollars, as authorized by chapter fifteen of the acts of the present year, the same to be in addition to the amount heretofore appropriated.

Messenger to governor and council.

For the salary of the messenger to the governor and council, one hundred dollars, as authorized by chapter thirty-eight of the acts of the present year, the same to be in addition to the amount heretofore appropriated.

Board of agriculture, clerical assistance and lectures.

For extra clerical assistance in the office of the secretary of, and for lectures before, the board of agriculture, four hundred dollars, as authorized by chapter sixty-six of the acts of the present year, the same to be in addition to the amount heretofore appropriated.

Hiram P. Harriman.

For Hiram P. Harriman, five hundred and twenty dollars, as authorized by chapter eighteen of the resolves of the present year.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1884.

Chap. 147 AN ACT PROVIDING FOR THE REMOVAL OF THE REMAINS OF THE DEAD FROM THE ADAMS STREET CEMETERY IN ABINGTON.

Be it enacted, etc., as follows:

May remove remains of dead, etc., from old burial ground.

SECTION 1. The town of Abington is hereby authorized under the direction of its selectmen and board of health to remove the remains of the dead and the monuments erected to their memory from the old burial ground on Adams Street near Birch Street in said town, now owned by Joseph Cleverly: *provided, however*, that the selectmen of said town shall first give thirty days' notice in a newspaper published in said town that said removal is intended; and *provided, further*, that the owners of said land shall first waive in writing all claim for damage resulting to said land from such removal. Said remains so removed shall be interred in Mount Vernon Cemetery in said town and said monuments or other suitable monument or monuments erected in said cemetery; if how-

Notice to be published.

Claims for damages to be waived.

Remains to be removed to Mount Vernon Cemetery.

ever the relatives or friends of those whose remains are so removed shall so request in writing, said remains shall be interred and said monuments erected in any authorized cemetery in this Commonwealth, said relatives or friends first paying the expense of the removal and interment.

SECTION 2. Said town is hereby authorized to purchase and take conveyances of such lot or lots in said Mount Vernon Cemetery as may be necessary for carrying out the purposes of this act.

May purchase lots.

SECTION 3. Said town is hereby authorized at any legal town meeting called for that purpose to raise by taxation and appropriate for the purposes of this act a sum not exceeding five hundred dollars.

May raise money by taxation.

SECTION 4. This act shall take effect upon its passage.

Approved April 11, 1884.

AN ACT TO INCORPORATE THE GREENFIELD RURAL CLUB.

Chap. 148

Be it enacted, etc., as follows:

SECTION 1. Anson K. Warner, James S. Grinnell, C. Mason Moody, their associates and successors, are hereby made a corporation by the name of the Greenfield Rural Club, for the purpose of beautifying and ornamenting the public streets, highways, squares and parks, and of acquiring land for and laying out and improving new parks for the use of the public, in the town of Greenfield; and said corporation shall have all the powers and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Greenfield Rural Club, incorporated.

SECTION 2. Said corporation shall have authority to receive, take, hold and invest any gifts, grants, donations or bequests for the uses and purposes of its organization, and for these uses and purposes may hold real and personal estate, to be exempt from taxation, to an amount not exceeding fifty thousand dollars.

Powers and duties.

May receive donations.

Estate of \$50,000 exempted from taxation.

SECTION 3. This act shall take effect upon its passage.

Approved April 11, 1884.

AN ACT TO INCREASE THE NUMBER OF THE TRUSTEES OF THE STATE LUNATIC HOSPITALS.

Chap. 149

Be it enacted, etc., as follows:

SECTION 1. The boards of trustees of each of the state lunatic hospitals established by section four of chapter eighty-seven of the Public Statutes shall consist of seven

Trustees to consist of five men and two women.

persons, five of whom shall be men and two of whom shall be women. So much of said section four as is inconsistent with this act is hereby repealed.

To take effect
July 1, 1884.

SECTION 2. This act shall take effect on the first day of July eighteen hundred and eighty-four.

Approved April 11, 1884.

Chap.150 AN ACT CONCERNING MEETINGS OF SAVINGS BANKS AND INSTITUTIONS
FOR SAVINGS.

Be it enacted, etc., as follows :

Special meet-
ings may be
held.

SECTION 1. Section sixteen of chapter one hundred and sixteen of the Public Statutes is amended so as to read as follows:—every such corporation may at any time hold special meetings by order of its trustees; and its treasurer shall also notify special meetings upon the requisition in writing of any ten members of the corporation. Notice of all meetings shall be given by public advertisement in some newspaper in the county where the corporation is established and by seasonably mailing to every member a written or printed notice of such meeting.

Notice to be
given of all
meetings.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1884.

Chap.151 AN ACT TO AUTHORIZE WELLESLEY COLLEGE TO HOLD ADDITIONAL
REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows :

Estate not to
exceed \$5,000,-
000.

SECTION 1. Wellesley College is hereby authorized to hold real and personal estate, in the manner and for the purposes set forth in its charter, to an amount not exceeding five million dollars: *provided*, that no lands in the town of Wellesley owned or occupied by said college for the purposes set forth in its charter shall be exempt from taxation, except lands now so owned and occupied by said college and the “Webber estate” when said “Webber estate” shall come into its possession, but the “Gray estate” shall not be exempt.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1884.

Chap.152 AN ACT RELATING TO THE RELEASE OF PRISONERS UPON PROBATION.

Be it enacted, etc., as follows :

Permit of
prisoner to be at
liberty, to be.

SECTION 1. If the holder of a permit to be at liberty, granted under the provisions of section sixty-eight of chap-

ter two hundred and twenty, or of section fifty-two of chapter two hundred and twenty-one, or of section twenty of chapter two hundred and twenty-two of the Public Statutes, shall violate any of the terms or conditions of said permit, or any law of this Commonwealth, such violation shall of itself make void said permit.

come void, if conditions are violated.

SECTION 2. When any permit granted as aforesaid, has been revoked by the board which granted it, or has become void, as aforesaid, said board may issue an order authorizing the arrest of the holder of said permit, and his return to the place of confinement from which he was released thereunder. Said order of arrest may be served by any officer authorized to serve civil or criminal process in any county in this Commonwealth. The holder of said permit, when returned to the place of confinement from which he was released under said permit, shall be detained therein according to the terms of his original sentence; and in computing the period of his confinement, the time between his release upon said permit and his return to said place of confinement, shall not be taken to be any part of the term of the sentence.

May be re-manded if permit has been revoked or has become void.

SECTION 3. Warrants issued before the passage of this act, under the provisions of section twenty-one of chapter two hundred and twenty-two of the Public Statutes, which have not been served, may be served at any time hereafter, and if the person for whom said warrant has been issued is held in any prison, he may upon said warrant be brought before the court by which it was issued, and may be remanded by said court, as provided in said section, and the order of remand issued by said court shall take effect when said person is discharged from said prison.

Service of warrants issued before passage of this act.

SECTION 4. No person shall hereafter be released, under the provisions of section sixty-six of chapter two hundred and twenty of the Public Statutes, except in accordance with the provisions of section sixty-eight of said chapter, and all the provisions of law relating to persons released under said section sixty-eight shall apply to persons released under said section sixty-six.

Provisions of P. S. 220, § 68, to apply to persons released under P. S. 220, § 66.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 6. This act shall take effect upon its passage.

Approved April 14, 1884.

Chap. 153 AN ACT TO AUTHORIZE THE BOSTON AND LOWELL RAILROAD CORPORATION TO UNITE AND CONSOLIDATE WITH CERTAIN RAILROADS NOW LEASED OR OPERATED BY IT, AND TO PURCHASE THE PROPERTY, RIGHTS AND FRANCHISES OF SAID RAILROADS, AND INCREASE ITS CAPITAL STOCK THEREFOR.

Be it enacted, etc., as follows:

Boston and Lowell Railroad Corporation may unite with certain other railroad corporations.

SECTION 1. The Boston and Lowell Railroad Corporation is hereby authorized to unite and consolidate with any or all of the following named railroad corporations now leased or operated by it, viz.: The Nashua and Lowell Railroad Corporation, the Stony Brook Railroad Company, the Wilton Railroad Company, the Peterborough Railroad and the Manchester and Keene Railroad; and when thus united said corporations shall constitute one corporation under the name of the Boston and Lowell Railroad Company; and all the provisions of the acts of incorporation of the corporations so uniting and becoming one corporation not inconsistent with this act, and all their rights, duties and liabilities shall belong to and be borne by the corporation created by such union; but said united corporation shall be subject to all general laws now or hereafter passed relating to railroad corporations, and to the provisions of section three of chapter one hundred and five of the Public Statutes. And said Boston and Lowell Railroad Corporation is further authorized to purchase and hold the stock, bonds, property and franchises of any and all of said railroad corporations leased or operated as aforesaid, but such union or purchase shall be only upon such terms and conditions as shall be approved by the stockholders at meetings duly called for that purpose.

May increase capital stock.

SECTION 2. The Boston and Lowell Railroad Corporation may increase its capital stock so far as may be necessary to carry into effect the provisions of this act, subject to the general laws of the Commonwealth applicable to such increase.

SECTION 3. This act shall take effect upon its passage.

Approved April 15, 1884.

Chap. 154 AN ACT TO PREVENT THE POLLUTION OF SOURCES OF WATER SUPPLY.

Be it enacted, etc., as follows:

Injunction against violation of provisions of P. S. 80, § 96.

SECTION 1. The supreme judicial or superior court, in term time or vacation, upon the application of the

mayor of a city or the selectmen of a town interested, may grant an injunction against any violation of the provisions of section ninety-six of chapter eighty of the Public Statutes.

SECTION 2. Sections ninety-eight, ninety-nine and one hundred of chapter eighty of the Public Statutes are hereby repealed. Repeal of P. S. 80, §§ 98-100.

SECTION 3. This act shall take effect upon its passage.

Approved April 16, 1884.

AN ACT RELATING TO THE ESTABLISHMENT OF UNION COUNTY
TRUANT SCHOOLS. *Chap. 155*

Be it enacted, etc., as follows:

SECTION 1. Three or more cities or towns in each of two, three or four contiguous counties may require the county commissioners of such counties to establish union truant schools as provided by section fourteen of chapter forty-eight of the Public Statutes. Union county truant schools.

SECTION 2. So much of said section fourteen as relates to the case of Norfolk, Bristol, Barnstable and Plymouth counties is hereby repealed. Repeal.
Approved April 16, 1884.

AN ACT TO DISSOLVE THE FARM POND FISHING COMPANY IN EDGARTOWN. *Chap. 156*

Be it enacted, etc., as follows:

SECTION 1. The Farm Pond Fishing Company in Edgartown, incorporated by chapter two hundred and eleven of the acts of the year eighteen hundred fifty-six, is hereby dissolved. Corporation dissolved. 1856, 211.

SECTION 2. This act shall take effect upon its passage.

Approved April 16, 1884.

AN ACT TO DISCONTINUE A PART OF THE LOCATION OF THE
NORWICH AND WORCESTER RAILROAD IN THE CITY OF WORCESTER. *Chap. 157*

Be it enacted, etc., as follows:

SECTION 1. The Norwich and Worcester Railroad Company may within two years, and if not done in two years shall within four years from the passage of this act, discontinue the present location of its railroad between the south line of Park street and the south line of Madison street in the city of Worcester; and upon its discontinuance all tracks across Myrtle, Southbridge and Madison streets, on said location so discontinued, shall be forthwith Location to be discontinued.

removed therefrom unless allowed to remain temporarily by the mayor and aldermen of said city.

Norwich and Worcester Railroad may take land for station purposes, yard room, etc.

SECTION 2. The Norwich and Worcester Railroad Company may, at any time within four years from the passage of this act, take and hold by purchase or otherwise so much of the land lying southerly of Madison street in the city of Worcester, or south-easterly of the location of the Boston and Albany Railroad Company in said Worcester, as it may deem necessary or suitable for station purposes, and for tracks and yard room to be used in connection therewith, and may discontinue any part of its location the use of which is not necessary on account of a change in the location of its freight station.

Locations to be filed within four years.

SECTION 3. The said railroad company shall file with the county commissioners of the county of Worcester, the locations of all land so taken by them, within four years after the passage of this act.

May sell certain land.

SECTION 4. The said railroad company may sell and convey all their right, title and interest in and to any land owned or occupied by them between the south side of Park street and the south side of Madison street in the city of Worcester, and in all other land which they may deem it unnecessary to occupy by reason of the discontinuance of any part of the location of said road.

Liability for damages.

SECTION 5. In the exercise of the powers granted by this act the said railroad company, and any person or corporation sustaining damage, shall have all the rights, privileges and remedies, and be subject to all the duties, liabilities and restrictions which are or may be provided by the general laws in like cases, except as herein otherwise provided.

May issue bonds, and secure by mortgage.

SECTION 6. To provide for the expenditures authorized or required of the Norwich and Worcester Railroad Company by this act, the said company may issue a sufficient amount of its bonds to produce the required amount, including the proceeds of the land sold by them under the fourth section of this act, said bonds bearing a rate of interest not exceeding six per cent. per annum, and payable at a period not exceeding twenty years, and the said railroad company may if it deems it expedient secure the same by a mortgage of the whole or any part of said railroad.

Approved April 16, 1884.

AN ACT IN RELATION TO THE SALE OF INTOXICATING LIQUORS.

Chap.158

Be it enacted, etc., as follows:

The fourth clause of section nine of chapter one hundred of the Public Statutes is hereby amended so as to read as follows: — Fourth, That no sale or delivery of liquor shall be made on the premises described in the license to a person known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months next preceding, or to a minor, either for his own use, the use of his parent, or of any other person, or to a person known to have been supported in whole or in part by public charity at any time during the twelve months next preceding the date of the license.

Liquor not to be sold to person supported by public charity.

Approved April 16, 1884.

AN ACT AUTHORIZING THE NEWBURYPORT AND AMESBURY HORSE RAILROAD COMPANY TO ISSUE MORTGAGE BONDS.

Chap.159

Be it enacted, etc., as follows:

SECTION 1. The Newburyport and Amesbury Horse Railroad Company, for the purpose of extinguishing its floating debt, may, at a meeting called for the purpose, by the vote of a majority in interest of its outstanding stock, issue coupon or registered bonds, drawing interest at a rate not exceeding six per cent. per annum, to an amount not exceeding thirty thousand dollars, for a term not exceeding twenty years from the date thereof; and to secure the payment of said bonds and the interest thereon may make a mortgage of its road and franchise and any part or all of its real and personal property, and may include in such mortgage property hereafter to be acquired; said company may in such mortgage reserve to its directors the right to sell or otherwise dispose of, in due course of business, property included in such mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its road: *provided*, that an equivalent in value be substituted in lieu thereof.

May issue bonds to extinguish floating debt.

May mortgage franchise and property.

May reserve right to sell certain mortgaged property if equivalent is substituted.

SECTION 2. All bonds, as herein before provided, shall be issued at not less than par, and shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon every such bond that it is properly issued and recorded, and all proceeds accruing from the sale of such bonds shall first be applied to the

Bonds to be issued at not less than par, and to be certified that they are properly issued and recorded.

payment of any and all debts contracted previous to the first day of July, eighteen hundred and eighty-three.

SECTION 3. This act shall take effect upon its passage.

Approved April 16, 1884.

Chap.160 AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO INCREASE ITS WATER LOAN.

Be it enacted, etc., as follows:

City of Taunton
may increase
its water loan.

SECTION 1. The city of Taunton, for the purposes mentioned in chapter two hundred and seventeen of the acts of the year eighteen hundred and seventy-five, and chapter seventy-four of the acts of the year eighteen hundred and eighty, may issue notes, scrip, bonds or certificates of debt to be denominated on the face thereof "Taunton Water Loan," to an amount not exceeding one hundred thousand dollars, in addition to the amounts which said city is now authorized to issue, payable at periods not exceeding thirty years from the date of issue and, except as herein otherwise provided, to be issued on the same terms and conditions and with the same powers as are provided in said chapter two hundred and seventeen for the issue of bonds of said city: *provided*, that the whole amount of such water scrip, notes, bonds or certificates of debt issued by said city for the purposes of said water loan hereunder and under said chapter two hundred and seventeen and the acts in addition thereto, shall not in any event exceed the amount of five hundred and fifty thousand dollars.

Whole amount
not to exceed
\$550,000.

SECTION 2. This act shall take effect upon its passage, but shall become void unless accepted by vote of the city council of the city of Taunton.

Approved April 16, 1884.

Chap.161 AN ACT TO ESTABLISH A STANDARD MEASURE FOR CRANBERRIES.

Be it enacted, etc., as follows:

Standard
measure for
cranberries.

SECTION 1. Section twenty of chapter sixty of the Public Statutes is amended to read as follows:—The legal and standard measure of a barrel of cranberries shall be one hundred quarts and of a crate of cranberries thirty-two quarts, level measure, and every manufacturer of barrels or crates for cranberries shall brand or mark plainly his name and the words "Massachusetts standard measure," upon all such barrels or crates.

Barrels to be
branded.

SECTION 2. Whoever brands or marks upon any barrel or crate for cranberries of a less capacity than the above, the words "Massachusetts standard measure," shall forfeit for every such offence the sum of two dollars, to be recovered in an action of tort to the use of the person bringing the action. *Approved April 16, 1884.*

Penalty.

AN ACT RELATIVE TO THE DISPOSITION OF RESIDUES FROM SALES OF REAL ESTATE FOR UNPAID TAXES. *Chap.162*

Be it enacted, etc., as follows:

SECTION 1. When real estate is sold by the collector of taxes of any city or town, as provided by section thirty-five of chapter twelve of the Public Statutes, it shall be the duty of such collector, after satisfying the taxes and charges, to deposit the balance, if any, in the treasury of such city or town; and such city or town shall pay such balance to the owner of the estate upon demand.

Residue from sale to be deposited in treasury, and to be paid to owner upon demand.

SECTION 2. So much of said section thirty-five of chapter twelve of the Public Statutes as is inconsistent with this act is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 16, 1884.

AN ACT TO AUTHORIZE TOWNS OR CITIES TO COMPENSATE INSPECTORS OF VINEGAR. *Chap.163*

Be it enacted, etc., as follows:

SECTION 1. Cities or towns which have at any time appointed inspectors under the provisions of chapter one hundred and thirteen of the acts of the year eighteen hundred and eighty are hereby authorized to compensate them for such services as they may have rendered.

Inspectors of vinegar may be compensated.

SECTION 2. This act shall take effect upon its passage.

Approved April 16, 1884.

AN ACT AUTHORIZING THE EASTERN RAILROAD COMPANY TO EXTEND ITS ROAD IN THE TOWN OF ESSEX. *Chap.164*

Be it enacted, etc., as follows:

SECTION 1. The Eastern Railroad Company is hereby authorized to extend its road from its present terminus in the town of Essex to a point at or near the shoe factory on the south side of the Essex River.

May extend road in Essex.

May take land,
and build
bridge across
Mill Creek.

SECTION 2. The Eastern Railroad Company shall have all the powers requisite to take land for, lay out, build, maintain and operate the extension of its road contemplated in the first section of this act. Said company for the purposes aforesaid may build and maintain a bridge across Mill Creek without a draw unless required by the harbor and land commissioners; said bridge to have a free passage way beneath it sixteen feet in width and four feet in height above the level of the marsh. This section, so far as it relates to the location of said bridge, the draw in it, the width and height of the passage way beneath it and manner of constructing it, shall be subject to amendment and approval by the harbor and land commissioners.

Manner of construction, etc.,
subject to approval by harbor
and land commissioners.

Subject to
general laws.

SECTION 3. Said railroad company, so far as relates to said extension, shall be subject to all general laws now in force, or that may be hereafter enacted, which are applicable to said extension.

SECTION 4. This act shall take effect upon its passage.

Approved April 19, 1884.

Chap. 165 AN ACT TO AUTHORIZE THE TOWN OF WALTHAM TO ISSUE ADDITIONAL WATER BONDS.

Be it enacted, etc., as follows:

Town of Waltham may issue
additional water
bonds.

SECTION 1. The town of Waltham, for the purposes mentioned in chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy-two, by a vote of two-thirds of the legal voters present and voting thereon at a legal meeting, may issue from time to time bonds, notes, scrip or certificates of debt to be denominated on the face thereof "Waltham Water Bonds," to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes. Said bonds, notes, scrip or certificates of debt to be issued with or without coupons upon the same terms and conditions and with the same powers as are provided in said chapter three hundred and thirty-seven for the issue of the "Waltham Water Bonds" by said town: *provided*, that the whole amount of such bonds, notes, scrip or certificates of debt issued by said town together with those heretofore issued and outstanding for the same purposes shall not at any time exceed the amount of four hundred and fifty thousand dollars.

Whole amount
not to exceed
\$450,000.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1884.

AN ACT RELATING TO THE PRINTING AND DISTRIBUTION OF THE LAWS AND PUBLIC DOCUMENTS. Chap.166

Be it enacted, etc., as follows:

SECTION 1. Five thousand and five hundred copies of the volume of the acts and resolves of the Commonwealth, provided for in section one of chapter four of the Public Statutes, shall be printed annually. Number of copies of "Blue Book."

SECTION 2. There shall be printed annually, on or before the assembling of the general court, or as soon thereafter as possible, the number of copies of documents and reports herein specified: — Report of registration of births, marriages and deaths, two thousand copies. Report of librarian of state library, fifteen hundred copies. Reports of trustees of the lunatic hospitals at Northampton, Taunton, Worcester, Danvers, the state workhouse at Bridgewater, and of the state almshouse, fifteen hundred copies each. Number of copies of certain reports.

SECTION 3. So much of chapter four of the Public Statutes as is inconsistent herewith is hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved April 19, 1884.

AN ACT TO INCORPORATE THE ORANGE WATER WORKS.

Chap.167

Be it enacted, etc., as follows:

SECTION 1. William L. Grout, Abijah French, John W. Wheeler, Allen Schenck, Solon L. Wiley, their associates and successors, are made a corporation by the name of the Orange Water Works, for the purpose of furnishing the inhabitants of Orange with water for the extinguishment of fires and for domestic and other purposes, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations. Orange Water Works incorporated.

SECTION 2. Said corporation for the purpose aforesaid may take, hold and convey into and through the towns of Warwick and Orange or any parts thereof the water so far as may be necessary for the purpose of Long Pond in Warwick or North Pond in Orange, so called, within said towns, and the waters which flow into and from the same May take water and water rights.

together with any water rights connected therewith; and may take and hold by purchase or otherwise any water rights, rights of way or easements connected therewith and any real estate necessary for the preservation and purity of such waters, or for forming any dams or reservoirs to hold the same, or for laying or maintaining aqueducts and pipes for distributing the waters so taken and held; and may lay its water pipes through any private lands with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections; and for any of the purposes aforesaid may carry its pipes under or over any water course, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same; and may, under direction of the selectmen or road commissioners, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works, and in general may do any other acts and things convenient and proper for carrying out the purposes of this act.

May dig up land and lay down water pipes.

To have recorded in registry of deeds a description of the land, etc., taken.

SECTION 3. Said corporation shall within sixty days after taking any lands, rights of way, water rights, water-sources or easements under the provisions of this act otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Franklin a description thereof sufficiently accurate for identification, with a statement of the purposes for which they are so taken, and the title of the lands and water rights so taken shall vest in said corporation.

Liability for damages.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water-source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person injured in property by any of the acts of said corporation under this act, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose lands, rights of way, water rights, water-sources or easements are thus taken or affected may apply as aforesaid within three years from the time the water is actually taken or

diverted, but not thereafter; and no suit for injury done under this act shall be brought after three years from the date of the receipt of the alleged injury.

SECTION 5. Said corporation may distribute the water through said town of Orange; may establish and fix from time to time the rates for the use of said water, and collect the same; and may make such contracts with said town, or any fire district that may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fires or for other purposes as may be agreed upon by said town or such fire district, individual or corporation, and said corporation.

May distribute water, and fix and collect rates.

SECTION 6. Said corporation may hold real estate for the purposes set forth in this act to an amount not exceeding fifty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each. Said corporation may at any time issue bonds and secure the same by a mortgage on its franchise and other property, to an amount equal to the capital stock actually paid in and expended under this act.

Real estate and capital stock.

May issue bonds and secure by mortgage.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any dam, aqueduct, pipe, conduit, machinery or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, shall forfeit and pay to the said corporation three times the amount of damages assessed therefor to be recovered in an action of tort; and on conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars, or by imprisonment not exceeding one year.

Penalty for corrupting or diverting water.

SECTION 8. Said corporation may purchase from other owner or owners any aqueducts, pipes, machinery, reservoir, pumping station, and other works, property, estate and privileges in said town of Orange now owned or in process of construction by other parties, and by such purchase shall become entitled to all rights and privileges and subject to all the liabilities and duties appertaining and belonging to said other parties.

May purchase aqueducts, pipes and machinery.

SECTION 9. The town of Orange shall have the right at any time after the passage of this act to purchase the corporate property and all the rights and privileges of said Orange Water Works, at a price which may be

Town of Orange may purchase franchise and property.

Subject to
assent by a two-
thirds vote.

mutually agreed upon between said corporation and said town ; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the price to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon both parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at an annual meeting, or at a legal meeting called for that purpose.

Security for
damages may
be required.

SECTION 10. Any owner of land or water rights taken under this act, upon application by either party for an estimate of damages, may require said corporation to give security satisfactory to the county commissioners for the county of Franklin, for the payment of all damages and costs which may be awarded to him for the land or other property taken. If upon petition of such owner, with notice to the adverse party, the security appears to the said county commissioners to have become insufficient, they shall require said corporation to give further security to their satisfaction, and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

Work to be
commenced
within three
years.

SECTION 11. This act shall take effect upon its passage, but shall become void unless said corporation shall within three years from the passage hereof commence a prosecution of the work herein authorized.

Approved April 19, 1884.

Chap. 168 AN ACT IN RELATION TO INVESTMENTS ON PERSONAL SECURITIES
BY SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

Be it enacted, etc., as follows :

Investments on
personal securi-
ties limited.

SECTION 1. Clause six of section twenty of chapter one hundred and sixteen of the Public Statutes, relating to investments by savings banks and institutions for savings in bonds and other personal securities, is hereby amended by adding thereto the following words : “ *provided*, that the total liabilities to any such corporation, of any person, or of any partnership, company or corporation for money borrowed upon personal security, including in the liabili-

ties of a partnership or company not incorporated the liabilities of the several members thereof, shall at no time exceed five per cent. of such deposits and income."

SECTION 2. Chapter fifty-six of the acts of the year eighteen hundred and eighty-four is hereby repealed. Repeal of 1884, 56.

SECTION 3. This act shall take effect upon its passage.

Approved April 19, 1884.

AN ACT CONCERNING THE PENALTY FOR FRAUDULENTLY OBTAINING ENTERTAINMENT AT AN INN.

Chap. 169

Be it enacted, etc., as follows:

SECTION 1. Section thirteen of chapter one hundred and two of the Public Statutes is amended by striking out the words "one hundred dollars," in the last two lines in said section, and inserting in place thereof the words "fifty dollars." Penalty for fraudulently obtaining entertainment at an inn.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1884.

AN ACT IN RELATION TO ATTORNEYS AT LAW.

Chap. 170

Be it enacted, etc., as follows:

SECTION 1. The word "suit" in section forty-four of chapter one hundred fifty-nine of the Public Statutes shall be construed to apply to any proceeding, civil or criminal, in any court, or before a trial justice. "Suit" in P. S. 159, § 44 construed.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1884.

AN ACT TO LIMIT THE TIME WITHIN WHICH TROUT, LAND-LOCKED SALMON AND LAKE TROUT MAY BE TAKEN.

Chap. 171

Be it enacted, etc., as follows:

SECTION 1. The time within which any person is forbidden to take, sell, offer or expose for sale or to have in his possession a trout, land-locked salmon, or lake trout, by sections fifty-one and fifty-three of chapter ninety-one of the Public Statutes, shall be between the first day of September and the first day of April. Trout, etc., not to be taken or sold between first of September and first of April.

SECTION 2. So much of said sections fifty-one and fifty-three as is inconsistent with this act is hereby repealed. Repeal.

Approved April 19, 1884.

Chap.172

AN ACT TO PREVENT BATHING IN PUBLIC PONDS.

Be it enacted, etc., as follows :

Penalty for
bathing in pub-
lic ponds.

Whoever bathes in a pond, the water of which is used for the purpose of domestic water supply for a city or town, shall be punished by fine not exceeding ten dollars.

*Approved April 19, 1884.***Chap.173**

AN ACT RELATING TO HARBORS AND HARBOR MASTERS.

Be it enacted, etc., as follows :

Amendment to
P. S. 69, §§ 26,
29, 33.

SECTION 1. Sections twenty-six, twenty-nine and thirty-three of chapter sixty-nine of the Public Statutes are amended so as to read as follows :—

Vessels to be
anchored ac-
cording to rules
of the harbor
master.

Section 26. Every master of a vessel within a harbor for which a harbor master is appointed shall anchor his vessel according to the rules and regulations of the harbor master, and shall move to such other place as the harbor master may direct; and every master of a tow boat having a vessel in tow and every pilot having a vessel in charge shall allow such vessel to anchor only in such place as the rules and regulations of the harbor master provide for anchorage.

Harbor master
may remove
any vessel not
moving when
directed.

Section 29. A harbor master may cause the removal of any vessel lying in his harbor and not moving when directed by him so to do, and the expense of such removal shall be paid by the master or owners of such vessel. In case of their neglect or refusal to pay such expense, after it has been demanded, it may be recovered in an action of contract by the harbor master from the master or owners of such vessel, to the use of the city or town in which the harbor is situated.

Penalty.

Section 33. Whoever violates any of the provisions of the ten preceding sections or refuses or neglects to obey the instructions of a harbor master lawfully given, or resists a harbor master in the execution of his duties, shall be liable to a fine of not more than fifty dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved April 19, 1884.***Chap.174**

AN ACT TO PROVIDE FOR THE PUNISHMENT OF EMBEZZLEMENT BY OFFICERS AND SERVANTS OF VOLUNTARY ASSOCIATIONS.

Be it enacted, etc., as follows :

Embezzlement
by officer of a
voluntary asso-

Any officer, agent, clerk or servant of a voluntary association or society, who embezzles or fraudulently con-

verts to his own use, or fraudulently takes or secretes with intent to do so, effects or property belonging to such association or society, or which have come to his possession or are under his care by virtue of his office or employment, shall be deemed guilty of simple larceny.

ciation, deemed simple larceny.

Approved April 19, 1884.

AN ACT TO PERMIT ADJOURNMENT OF SALES ON EXECUTION FOR MORE THAN SEVEN DAYS. *Chap.175*

Be it enacted, etc., as follows:

SECTION 1. Whenever the sale of property under and by virtue of an execution is restrained by any court of competent jurisdiction, the same may be adjourned by the order of the court granting the injunction to await the further order of the court upon such injunction. Upon the final determination thereof the court may order the sale to proceed, and may direct such additional notice of the adjourned sale to be given as justice and equity may require.

Sale may be adjourned by court granting injunction.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1884.

AN ACT TO EXEMPT CERTAIN PROPERTY OF HORTICULTURAL SOCIETIES FROM TAXATION. *Chap.176*

Be it enacted, etc., as follows:

SECTION 1. Such portions of real estate and buildings belonging to incorporated horticultural societies as are used for their offices, libraries and exhibitions, shall be exempt from taxation.

Certain property exempt from taxation.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1884.

AN ACT TO AUTHORIZE MARINE INSURANCE COMPANIES WITH THE REQUISITE CAPITAL, TO INSURE AGAINST LOSS OR DAMAGE BY FIRE AND LIGHTNING. *Chap.177*

Be it enacted, etc., as follows:

SECTION 1. Every domestic insurance company organized under general laws to insure against loss or damage by the perils of the sea and other perils usually insured against by marine insurance companies may, upon adding to its marine capital an amount not less than the minimum required for a joint stock fire insurance company by section twenty-nine of chapter one hundred and nineteen of

May insure against loss by fire and lightning.

the Public Statutes, also insure against loss or damage by fire and lightning.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1884.

Chap.178 AN ACT IN RELATION TO FIRE AND MARINE INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Computation of re-insurance, in returns to insurance commissioner.

SECTION 1. Section twenty-nine of chapter one hundred and nineteen of the Public Statutes is so far amended that insurance companies authorized by charter to do fire, marine and inland business, may continue to do such business with a capital stock of not less than two hundred thousand dollars, whether located in Boston or elsewhere, but all such companies having a capital stock of not more than two hundred thousand dollars shall in making their returns to the insurance commissioner compute their re-insurance upon all inland business at not less than fifty per cent. of outstanding premiums, and at one hundred per cent. on all ocean marine premiums; and no such foreign insurance company shall be allowed to do other than a fire business in this Commonwealth unless its capital stock shall be three hundred thousand dollars or more.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1884.

Chap.179 AN ACT AUTHORIZING ADVANCES TO OFFICERS ENTRUSTED WITH THE DISBURSEMENT OF PUBLIC MONEYS.

Be it enacted, etc., as follows:

Advances from the treasury.

SECTION 1. Any officer authorized to expend money in behalf of the Commonwealth may have sums advanced to him from the treasury in the manner herein provided to enable him to make direct payment of such small amounts as may be necessary for the effective discharge of the duties of his office.

Officer to certify that the amount is needed for immediate use.

SECTION 2. The officer shall make a certificate setting out that the amount is needed for immediate use, and as specifically as may be the purposes for which the expenditure is required. If his authority to make expenditure is subject to the approval or direction of any supervisory board, such certificate shall bear the approval of such board. Upon presentation of the certificate to the auditor, his certificate and warrant and payment shall follow as in case of claims against the Commonwealth.

SECTION 3. As soon as may be after expending such advance, and in any case on or before the twenty-fifth day of each month, the officer who has received money of the Commonwealth under the provisions of this act, shall file with the auditor a statement in detail of the sums expended subsequent to the previous accounting, approved by the board, if any, authorized to supervise such expenditure, and, where it is practicable to obtain them, receipts or other like vouchers of the persons to whom the payments have been made.

Statement in detail to be made to auditor.

SECTION 4. The amount advanced to any one officer under the provisions of this act, and not expended and accounted for as herein provided shall not exceed one hundred and fifty dollars at any time, except in case of the disbursing officer of the board of health, lunacy and charity, where the amount shall not exceed one thousand dollars.

Not to exceed \$150 in amount at any one time.

SECTION 5. This act shall take effect upon its passage.

Approved April 21, 1884.

AN ACT AUTHORIZING THE FORMATION OF CORPORATIONS TO EXAMINE AND GUARANTEE TITLES TO REAL ESTATE. Chap. 180

Be it enacted, etc., as follows:

SECTION 1. Any ten or more persons may associate themselves together in the manner prescribed by chapter one hundred and six of the Public Statutes, with a capital of not less than two hundred thousand nor more than one million dollars, for the purpose of examining titles to real estate, of furnishing information in relation thereto and of guaranteeing or insuring owners of real estate and others interested therein against loss by reason of defective title and other incumbrances; and corporations so established shall have the same powers and privileges, and be subject to the same duties, liabilities and restrictions as other corporations established under said chapter, but they shall not be subject to the laws specially relating to insurance corporations except as hereinafter provided.

Corporations may be established to guarantee titles to real estate.

SECTION 2. Every such corporation shall set apart a sum not less than two-fifths of the amount of its capital stock, but in no case less than one hundred thousand dollars, as a guaranty fund, and shall invest the same in the kinds of securities in which savings banks are by law required to invest their funds; and no corporation shall issue any guaranty or policy of insurance until such sum

Guaranty fund.

To be applied
to payment of
losses.

has been so set apart and invested. Such guaranty fund shall be kept and applied for the security and payment of losses and expenses which may be incurred by reason of the guaranty or insurance made as aforesaid, and shall not be subject to other liabilities of the corporation so long as any such guaranty or insurance is outstanding. In case an increase in the amount of its capital stock shall be made by any such corporation, two-fifths part of such increase of the capital stock shall be set apart and added to the guaranty fund thereof and kept and invested as aforesaid. Whenever on account of losses or otherwise the amount of the guaranty fund of any such corporation shall fall below such sum as is so required to be set apart and invested by this act, no further guaranty or insurance shall be issued until the deficiency below the amount so required has been supplied.

Statement of
affairs to be an-
nually filed with
the insurance
commissioner.

SECTION 3. Every such corporation shall on or before the fifteenth day of January in each year file in the office of the insurance commissioner a statement of its affairs for the year ending on the preceding thirty-first day of December, made out in a form similar to that now required of insurance companies doing business in this Commonwealth, so far as the same may be applicable, and such as shall be required by the insurance commissioner. Such statement shall be signed and sworn to by the president or treasurer and by one of the directors of such corporation. The insurance commissioner shall have the same power and authority to visit and examine all corporations established hereunder and to compel a compliance with the provisions of law governing them as he may by law exercise in relation to domestic insurance companies.

Copy of record
of organization
to be filed with
insurance com-
missioner.

SECTION 4. No corporation established under this act shall make any contract or issue any policy of guaranty or insurance until it has filed with the insurance commissioner a copy of the record of its certificate of organization in the office of the secretary of the Commonwealth and obtained from the insurance commissioner his certificate that it has complied with the laws applicable to it and is duly authorized to do business.

Taxable like do-
mestic fire insur-
ance companies.

SECTION 5. All corporations established hereunder shall be taxable like domestic fire insurance companies in accordance with the provisions of sections seventeen and forty of chapter thirteen of the Public Statutes.

SECTION 6. This act shall take effect upon its passage.

Approved April 21, 1884.

AN ACT TO PROVIDE FOR TAKING THE DECENNIAL CENSUS AND
THE INDUSTRIAL STATISTICS OF THE COMMONWEALTH.

Chap. 181

Be it enacted, etc., as follows:

SECTION 1. The decennial census of the Commonwealth required by articles twenty-one and twenty-two of the amendments to the constitution, and the decennial census of the industries of the Commonwealth, shall be taken in the year eighteen hundred and eighty-five and in every tenth year thereafter, under the direction of the bureau of statistics of labor, by enumerators to be appointed by said bureau as hereinafter provided.

Census to be taken under direction of the bureau of statistics of labor.

SECTION 2. The information sought by the census shall be gathered on eight general schedules, as follows: — Schedule number one shall relate to population and social statistics; schedule number two to manufactures; schedule number three to mining and quarrying; schedule number four to agricultural products and property and to domestic manufactures; schedule number five to the fisheries; schedule number six to commerce; schedule number seven to libraries; and schedule number eight to schools and school property. The inquiries to be borne upon such schedules shall be framed by the bureau of statistics of labor upon the basis of the schedules adopted for the census of eighteen hundred and seventy-five, and shall be submitted to the governor and council for their approval, and when approved by them shall constitute the schedules of the census, and said schedules shall contain no other inquiries than those receiving the approval of the governor and council.

Schedules on which information shall be gathered.

SECTION 3. The information to be gathered on schedule number one shall relate to each person residing in the Commonwealth on the first day of May, and by such schedule there shall be made a special enumeration of the legal voters residing in each city and town and each ward in each city in the Commonwealth. The statistics to be gathered by schedules number two, number three, number five, number six, number seven and number eight shall relate to the facts called for on the same for the year ending the thirtieth day of June of each census year, and so far as property relating to such facts is concerned as it ex-

Special enumeration of legal voters.

ists on the said thirtieth day of June ; and the statistics to be gathered by means of schedule number four shall relate to agricultural products and domestic manufactures for the year ending the fifteenth day of November of the census years, and to agricultural property as it exists on the said fifteenth day of November of said years.

Enumerators to be appointed.

SECTION 4. For the purpose of securing the information called for by the preceding sections, said bureau shall appoint census enumerators in each city and town in the Commonwealth, but the whole number of such enumerators shall not exceed one for every fifteen hundred polls in each city and town, according to the returns of the assessors for city and town purposes for the year immediately preceding the taking of the census, and shall be as many less as said bureau may decide to be adequate for the duty : *provided*, that for the enumeration of the inhabitants as provided for by schedule number one at least one person shall be appointed and compensated in each city and town ; *and provided, further*, that each person appointed as an enumerator shall be an inhabitant of the city or town in which said person is to perform the duty required ; and the appointment of such enumerators shall be approved by the mayor and aldermen of the city, or the selectmen of the town ; said bureau may appoint in addition to the enumerators provided for in this section, special enumerators to a number not exceeding ten, for the purpose of making special investigations into the conditions of the dependent, defective and delinquent classes.

One at least in each town.

To be inhabitants of towns where duties are performed.

Schedules and instructions to be furnished to enumerators on or before first day of May.

SECTION 5. The said bureau shall, on or before the first day of May in each census year, transmit to the enumerators appointed under the preceding section, printed schedules in accordance with provisions in section two, relating to schedule number one, with such instructions as said bureau may deem necessary, and a notice that the returns must be made into the office of said bureau on or before the last day of June of the same year, so far as schedule number one is concerned.

Returns under schedule number one.

SECTION 6. In making returns under schedule number one, the enumerators shall make and transmit with such returns a complete list of all establishments engaged in manufacturing and trade, in mining and quarrying, in fishing and in commerce, the names of all librarians and proprietors or principals of all incorporated and unincorporated colleges, academies and private schools ; and upon such

list the statistics required by schedules numbered two, three, five, six, seven and eight shall be gathered by said bureau, by mail, and of such parties who fail to make returns by mail by such of the enumerators appointed under section four as said bureau may designate.

SECTION 7. The information called for on schedule number four shall be gathered by such of the enumerators, to be appointed under section four, as said bureau may designate, but such number so designated shall not exceed two hundred and fifty for the whole Commonwealth, and they shall make returns of such information on or before the fifteenth day of January following the census year.

Schedule number four.

SECTION 8. The enumerators appointed under this act, on receiving their commission and before entering upon the discharge of their duties, shall take and subscribe an oath, or affirmation, that they will faithfully perform to the best of their ability the duties charged in their commission, and that they will support the constitutions of the United States and Commonwealth of Massachusetts, which oaths shall be filed in the office of said bureau by each enumerator with his acceptance of his appointment, and in making his returns for schedule number one, he shall sign a certificate on said schedule that the information reported therein is correct to the best of his knowledge and belief; all other schedules must be certified to by the parties making them.

Enumerators to be sworn.

SECTION 9. Upon the request of the mayor and aldermen of any city, made to said bureau before the first day of April next preceding the taking of the census, said bureau shall direct the enumerators appointed to take the census in such city to make the enumeration in such manner that the number of inhabitants and legal voters residing in each street, square or avenue of such city may be returned, and said bureau shall report the results of such enumeration of said city to the clerk thereof. Upon receipt of said report, said city may make a new division of its wards, as provided by section fourteen, chapter twenty-eight of the Public Statutes.

Census of inhabitants and voters by streets and squares.

Division of wards.

SECTION 10. The said bureau, after it has gathered the facts as to population, shall make a return of the aggregated results of the census as to population and voters for each town and city, and each ward of each city, and shall return into the office of the secretary of the Common-

Returns to be made to the secretary of the Commonwealth.

Abstract to be made by secretary and submitted to the general court.

wealth, said aggregated results, on or before the first day of December of each census year, and the secretary shall prepare from such aggregated results, an abstract, arranged by counties, showing the number of legal voters in each town and in each ward of the several cities, and shall submit the same to the general court within the first ten days of the session following the taking of the census of inhabitants.

Abstracts prepared by the bureau to be printed for use of legislature.

SECTION 11. The said bureau, after it shall have gathered the facts as called for by this act, shall cause to be prepared and printed true abstracts of the same, with proper analysis, for the use of the legislature, and such abstracts shall be printed in volumes uniform in style with the reports on the census of Massachusetts for the year eighteen hundred and seventy-five, and such reports shall be stereotyped, but in the reports so required no use shall be made of the names of individuals, firms or corporations supplying the information called for by this act, such information being deemed confidential, and not for the purpose of disclosing any person's affairs, and any enumerator or employé of said bureau violating this provision, shall be fined as provided for in the succeeding section for wilful deceit and falsehood.

Penalty on agent for deceit or falsehood.

SECTION 12. If an enumerator or agent appointed under this act wilfully refuses to perform any duty required of him in accordance therewith, he shall forfeit a sum not exceeding five hundred dollars, and if he is guilty of wilful deceit or falsehood in the discharge of his duties, he shall forfeit a sum not exceeding two thousand dollars, or be imprisoned for not more than one year, and if any person shall refuse to give the information required by this act to a person authorized to collect the same, he shall pay a fine not exceeding one hundred dollars for every such refusal.

Fines to accrue to the Commonwealth.

SECTION 13. All fines charged under this act may be recovered in any court of competent jurisdiction by information or complaint of the attorney-general, and shall accrue wholly to the Commonwealth.

Compensation of persons employed.

SECTION 14. There shall be allowed and paid out of the treasury of the Commonwealth to each enumerator employed by the bureau of statistics of labor in the several cities and towns in taking the decennial census and industrial statistics of the Commonwealth under the authority of this act, the sum of two dollars and fifty

cents for each day of ten hours actually employed in said service, and the account of each enumerator so employed shall be verified by his affidavit and paid on the approval of the chief of said bureau, after the returns of such enumerator shall have been examined and found correct and properly made. No allowance shall be made to such enumerator for travelling expenses, except in extreme cases, where such expenses would secure economy in the enumeration, and then no enumerator shall incur any such expense except upon previous written authority granted by the chief of said bureau.

SECTION 15. The chief of said bureau may expend a sum not exceeding two thousand dollars in preliminary preparations for the census of inhabitants and industries for eighteen hundred and eighty-five, in preparing schedules, instructions, blanks, etc., and in advising the public by the dissemination of proper information, of the statistics to be gathered. He may, for the purposes of making abstracts of and preparing reports on the census, employ such clerical assistance as he may require, under the limitations and regulations of law applicable to the employment of clerical assistants in the annual work of said bureau, and he may in addition, during and for the work of the census, employ four chiefs of division at a salary not exceeding fifteen hundred dollars each per annum, such clerical assistants and chiefs of division to be paid from such appropriation as the legislature may make for census purposes.

Expenses of preliminary preparations.

Clerical assistance.

SECTION 16. During the years eighteen hundred and eighty-five and eighteen hundred and eighty-six, but for no longer period, the chief of said bureau and the first and second clerks thereof, shall receive as extra compensation, additional to such regular salaries for such officers as are now provided for by law, the sum of five hundred dollars to said chief, five hundred dollars to said first clerk, and three hundred dollars to said second clerk, for each of the years named, such extra compensation to be paid from the appropriations for census purposes.

Extra compensation.

SECTION 17. The bureau of statistics of labor is hereby authorized to expend the sum of one hundred and fifty thousand dollars as the maximum cost of the census of inhabitants and industries in the Commonwealth for the year eighteen hundred and eighty-five, exclusive of cost of paper for schedules and of printing and stereotyping

Cost not to exceed \$150,000.

the abstracts and reports upon said census, and it shall not be lawful for said bureau to incur any expense or obligation whatever in respect of said census in excess of the sum herein provided.

Repeal.

SECTION 18. Sections one to twelve inclusive of chapter thirty-one of the Public Statutes are hereby repealed.

SECTION 19. This act shall take effect upon its passage.

Approved April 23, 1884.

Chap. 182 AN ACT CONFERRING CERTAIN POWERS UPON THE CITY COUNCIL
OF THE CITY OF MALDEN.

Be it enacted, etc., as follows:

City council
may alter high-
ways.

SECTION 1. The city council of the city of Malden shall have authority and power to widen, straighten and otherwise alter highways within the city limits. Any party aggrieved by such widening, straightening or alteration shall have the same remedies as in the case of town ways.

Jurisdiction of
county commis-
sioners.

SECTION 2. Nothing in this act contained shall be construed so as to exclude the jurisdiction of the county commissioners.

Ordinances may
be established
without revision
by superior
court.

SECTION 3. Section twenty-eight of chapter one hundred and sixty-nine of the acts of the year eighteen hundred and eighty-one is amended to read as follows:—

Section 28. The city council shall have power within said city to make and establish such ordinances and by-laws, not inconsistent with the laws of the Commonwealth, as cities and towns have power by law to make and establish, such ordinances and by-laws to have force and effect within such city, without revision or approval by the superior court or any justice thereof; and to modify, amend or repeal the same; and to annex penalties not exceeding twenty dollars for the breach thereof: *provided, however,* that all laws and regulations in force in the town of Malden shall, until they shall expire by their own limitation or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury. And any complaint for any violation thereof may be made by the mayor, city clerk, city treasurer, city marshal or chief of police.

Proviso.

SECTION 4. This act shall take effect upon its passage.

Approved April 23, 1884.

AN ACT RELATING TO THE OCEAN TERMINAL RAILROAD COMPANY, *Chap. 183*
 THE OCEAN TERMINAL RAILROAD DOCK AND ELEVATOR COMPANY
 AND THE MYSTIC RIVER CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. The Ocean Terminal Railroad Company, a corporation organized under the general laws of the Commonwealth is hereby revived, its organization ratified and confirmed and the time for completing its railroad extended to the sixth day of May eighteen hundred and eighty-seven.

Corporation revived, and time extended for completion of railroad.

SECTION 2. The time within which the provisions of section four of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and eighty-one, entitled "An Act to incorporate the Ocean Terminal Railroad Dock and Elevator Company," may be availed of by the corporations therein named, is hereby extended to the sixth day of May eighteen hundred and eighty-seven, and all the provisions of said chapter are hereby continued in force.

Time extended for purchase of franchises of the Mystic River Corporation and of the Ocean Terminal Railroad Corporation.

SECTION 3. Nothing in this act or in the act herein referred to shall be so construed as to relieve the Mystic River Corporation or the Ocean Terminal Railroad Company or Ocean Terminal Railroad Dock and Elevator Company, in case the last named corporations or either of them should take or purchase any lands, wharves, property, rights, privileges and franchises of said Mystic River Corporation, or so as to relieve any other purchaser or grantee, either direct or by mesne conveyance from said last named corporation, from any duty, condition or obligation as regards the time, place and manner of filling, excavating or otherwise improving the lands so taken, sold or granted, and the flats and channels adjacent or near thereto, which is imposed on said Mystic River Corporation by the several acts relating to said corporation; and the grantees and assigns of the said Mystic River Corporation shall in all cases be deemed to have assumed the duties and obligations of said corporation in the respects aforesaid. The plans and manner of execution of all work in or over tide waters hereafter done by the said Mystic River Corporation and its grantees and assigns shall be in accordance with the provisions of the aforesaid acts and subject to the approval of the board of harbor and land commissioners.

Corporations not relieved from certain duties and obligations.

Plans and execution of work subject to approval of harbor and land commissioners.

SECTION 4. This act shall take effect upon its passage.

Approved April 23, 1884.

Chap. 184 AN ACT TO EXEMPT THE LYNN WORKINGMEN'S AID ASSOCIATION
FROM TAXATION.

Be it enacted, etc., as follows:

Property
exempt from
taxation.

All property both real and personal held by the Lynn Workingmen's Aid Association, for the purposes and in accordance with the provisions of the charter of said association, shall be exempt from taxation.

Approved April 24, 1884.

Chap. 185 AN ACT REQUIRING DOG LICENSES TO BE RECORDED IN THE CITY
OR TOWN WHERE THE LICENSED DOGS ARE KEPT.

Be it enacted, etc., as follows:

Dog licenses
valid in any part
of the state.

Proviso.

SECTION 1. Section eighty-six of chapter one hundred and two of the Public Statutes is hereby amended so that it will read as follows:— A license duly recorded shall be valid in any part of the Commonwealth, and may be transferred with the dog licensed: *provided*, that said license shall in each case of transfer be again recorded by the clerk of the city or town where such dog is kept; but no license shall be required to be recorded anew unless such dog shall have been kept in such city or town at least thirty days.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1884.

Chap. 186 AN ACT CONCERNING PUBLIC AND PRIVATE BURIAL PLACES, AND
LOTS THEREIN.

Be it enacted, etc., as follows:

May hold funds
deposited with
treasurer for
care of burial
places.

SECTION 1. Any city or town is hereby authorized to receive, hold and apply any funds, moneys or securities which may be deposited with the treasurer of such city or town for the preservation, care, improvement or embellishing of any public or private burial place situated therein, or of burial lots located in the same.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1884.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE FREE EVANGELICAL SOCIETY OF ATTLEBOROUGH. *Chap.187*

Be it enacted, etc., as follows :

SECTION 1. The proceedings of the Free Evangelical Society of Attleborough, a corporation duly organized on the twelfth day of June in the year eighteen hundred and sixty-five, shall not be invalid because the annual meetings of said society for the years eighteen hundred and seventy-nine and eighteen hundred and eighty were not called by the standing committee of said society.

Proceedings confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1884.

AN ACT TO AUTHORIZE SHERIFFS AND THEIR DEPUTIES TO ADJOURN SESSIONS OF DISTRICT AND POLICE COURTS. *Chap.188*

Be it enacted, etc., as follows :

SECTION 1. When no justice or special justice of a district or police court is present at the time and place appointed for holding a session of said court, the sheriff of the county or either of his deputies may adjourn the court from day to day or from time to time as circumstances may require, or as ordered by the justice or either of the special justices of said court, and shall give such notice of such adjournment as the court may by general or special order direct.

Sheriffs and deputies may adjourn sessions of district and police courts.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1884.

AN ACT TO ENABLE THE ATHOL WATER COMPANY TO IMPROVE AND INCREASE ITS WATER SUPPLY. *Chap.189*

Be it enacted, etc., as follows :

SECTION 1. The Athol Water Company of Athol, for the purpose of increasing the capacity and efficiency of its water works, is hereby authorized to take and hold, by purchase or otherwise, such lands in said town as may be necessary and convenient for erecting and maintaining an engine house, pumping station and reservoir; and may erect on the land thus taken or held proper buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may connect said works and structures with

The Athol Water Company may increase its water supply.

each other and with the present aqueducts in said town, and with any other aqueducts that may be hereafter laid.

May take waters of Silver Lake.

SECTION 2. Said water company, for the purposes aforesaid and to increase its supply of water, may take by purchase or otherwise, hold and convey into the reservoirs, aqueducts or other works now owned by said Athol Water Company, or authorized by this act, the waters of "Silver Lake," so called, and the water rights connected therewith and also all lands, rights of way and easements necessary for holding such water and for conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, reservoirs or other structures, and may make excavations and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works and for all proper purposes of this act, said corporation may dig up any such lands, and under the direction of the town in which any such ways are situated, may enter upon and dig up any such lands or ways in such manner as to cause the least hindrance to public travel on such ways.

May dig up lands and ways.

To have recorded in the registry of deeds a description of the land taken.

SECTION 3. The said Athol Water Company shall, within sixty days after the taking of any lands, rights of way, water rights, water-sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds situate in the city of Worcester a description thereof sufficiently accurate for identification, with a statement of the purposes for which they were so taken, signed by the president of the corporation.

Liability for damages.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water-source, water right or easement or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the

period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

No application for damages to be made until water is diverted.

SECTION 5. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for corrupting or diverting water.

SECTION 6. The owners of lands and water rights taken under this act, upon application by either party for an estimate of damages, may require said corporation to give security satisfactory to the board of selectmen of said town for the payment of all damages and costs which may be awarded to them for the land or other property taken. And if upon petition of the owner, with notice to the adverse party, the security appears to the selectmen of said town to have become insufficient, they shall require said corporation to give further security to their satisfaction, and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

Security for payment of damages to be furnished, if required.

SECTION 7. The town of Athol shall have the right, at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company, at a price which may be mutually agreed upon between said corporation and said town of Athol, and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award when accepted by said court shall be

Town of Athol may purchase corporate property.

Subject to assent
by the town by
a two-thirds
vote.

binding upon both parties. And this authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose.

Work to be
commenced
within three
years.

SECTION 8. This act shall take effect upon its passage, but shall become void unless said corporation within three years from the passage hereof shall avail itself of its provisions and commence a prosecution of the work herein authorized.

Approved April 28, 1884.

Chap.190 AN ACT RELATING TO THE EXAMINATION OF CANDIDATES FOR DISTRICT POLICE.

Be it enacted, etc., as follows:

Examination of
candidates by a
judge of the
superior court.

SECTION 1. So much of section one of chapter one hundred three of the Public Statutes as requires candidates for district police to be examined under the direction of a justice of the superior court is repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1884.

Chap.191 AN ACT RELATING TO WARRANTS IN CRIMINAL CASES.

Be it enacted, etc., as follows:

Issue of search
warrant under
P. S. 100, § 30.

SECTION 1. The warrant described in section thirty of chapter one hundred of the Public Statutes may be issued by any justice of the peace authorized to issue warrants in criminal cases.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1884.

Chap.192 AN ACT TO ESTABLISH THE SALARIES OF THE JUDGE AND THE REGISTER OF THE PROBATE COURT FOR THE COUNTY OF BERKSHIRE.

Be it enacted, etc., as follows:

Salary of judge.

SECTION 1. The judge of the probate court for the county of Berkshire shall receive an annual salary of sixteen hundred dollars.

Salary of register.

SECTION 2. The register of the probate court for the county of Berkshire shall receive an annual salary of sixteen hundred dollars.

SECTION 3. This act shall take effect upon its passage.

Approved April 28, 1884.

AN ACT CONCERNING THE ORDER OF TRIALS IN CRIMINAL CASES. *Chap.193**Be it enacted, etc., as follows :*

SECTION 1. At each term of the superior court held for the trial of criminal cases, the district attorney before the trials begin shall make up and deposit with the clerk for inspection of all parties, a list of all cases to be tried at that term, and trials shall be had in the order of such trial list unless otherwise ordered by the court.

Trial list in criminal cases.

SECTION 2. Section one of chapter two hundred and fourteen of the Public Statutes is hereby repealed.

Repeal.

*Approved April 29, 1884.*AN ACT TO AUTHORIZE THE CITY OF SALEM TO TAKE, DREDGE AND FILL CERTAIN LANDS OR FLATS IN THE NORTH RIVER IN SAID CITY. *Chap.194**Be it enacted, etc., as follows :*

SECTION 1. For the purpose of abating the nuisance in the city of Salem in that part of the North River lying easterly of North Street, the said city may, from time to time, purchase or otherwise take any or all of the lands or flats in the said North River in Salem lying easterly of North Street and northerly of the location of the Eastern Railroad, and fill and raise the same to such grade as may be deemed necessary or expedient; or said city may dredge any flats taken by it under the authority of this act or heretofore taken by it under authority of chapter one hundred eighty-five of the acts of the year eighteen hundred eighty-three.

May take and fill certain lands and flats.

SECTION 2. Said city shall, within sixty days from the time of taking said lands or flats, file and cause to be recorded in the office of the register of deeds for the southern district of the county of Essex a description of the lands or flats so taken as certain as is required in a common conveyance of lands, and a statement that the same are taken pursuant to the provisions of this act; which said description and statement shall be signed by the mayor of said city; and the title of all lands or flats so taken shall vest in the city of Salem in fee simple, and the same may be sold and conveyed by said city in such manner as the city council may determine.

To have recorded in the registry of deeds, within sixty days, a description of lands or flats taken.

SECTION 3. Said city shall pay all damages sustained by any person in property by the taking of any lands or flats or by any other thing done by said city under the authority of this act. Any person sustaining damages as

Liability for damages.

aforesaid under this act who fails to agree with said city as to the amount of damages sustained may have the same assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of one year from the taking of such lands or flats or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said period. Any person sustaining damages as aforesaid under this act who agrees with said city upon the amount of damages sustained by him shall be paid the amount of said damages by said city forthwith. The respective rights and remedies of persons having different, separate or contingent interests or estates in the same property, as to the disposition of the damages awarded or agreed to under this act, shall be the same in all respects as are provided by law when land is taken for the laying out of highways.

Work to be executed under supervision of harbor and land commissioners.

SECTION 4. The city of Salem before beginning to fill or dredge any flats taken under the authority of this act shall give written notice to the board of harbor and land commissioners of the work proposed, and shall submit to said board plans of the flats proposed to be filled or dredged, showing the mode in which the work is to be performed; and no such work shall be commenced until the plans and the mode of performing the work have been approved in writing by said board; and all such work shall be executed under the supervision of said board.

Streets may be laid out over lands and flats.

SECTION 5. The city council of said city may lay out, in the manner provided by the charter of said city, streets and ways over any of the lands or flats referred to in this act.

Subject to acceptance by city council.

SECTION 6. This act shall take effect upon its acceptance by the city council of the city of Salem.

Approved April 29, 1884.

Chap. 195 AN ACT CONCERNING ALEWIFE BROOK AND CERTAIN SEWERS IN CAMBRIDGE AND SOMERVILLE.

Be it enacted, etc., as follows:

City to construct an intercepting sewer.

SECTION 1. The city of Cambridge shall construct an intercepting sewer of sufficient capacity, and by means thereof shall conduct the sewage of the Concord Avenue, Spruce Street and North Avenue sewers in said city, and of any sewer at any time discharging into either of said

sewers, or into said intercepting sewer (provided, however, this shall not include any other than that within the natural drainage area of Alewife Brook), to some convenient spot upon the poor farm in said city; shall there construct a storage basin for the temporary deposit of such sewage, and by means of pumps or otherwise shall raise such sewage to a sufficient height to discharge the same by means of a connecting sewer, which connecting sewer shall not exceed twelve inches in diameter, at a convenient point in the sewer in Newbury Street, in the city of Somerville; shall construct such connecting sewer, and shall so discharge the said sewage for the term of three years from the first day of September next, the connection with the said Somerville sewer to be made on or before said first day of September: *provided, however*, that, during repairs upon any Somerville sewer into which the Cambridge sewage shall be so discharged, pumping shall be discontinued if the city engineer of Somerville shall so request of the city of Cambridge; and also, that at some point in the intercepting sewer, to be determined by the city engineer of Somerville, there shall be constructed by the city of Cambridge an automatic shut-off so arranged as to cut off the connection of the Cambridge sewers which may empty therein with the Somerville sewers during severe storms and when the Cambridge sewers at the shut-off are running more than half full, said shut-off to be built according to a design approved by the city engineer of Somerville, and to be constructed to his satisfaction; but the city of Cambridge may, during any such discontinuance and during such times as the connection of the Cambridge sewers with the Somerville sewers may be so cut off, discharge its sewage into Alewife Brook: *provided, however*, that if this method of disposing of said sewage be adjudged impracticable, as hereinafter provided, then the obligation imposed by this section shall be void, *and provided further*, that whenever the city of Cambridge shall adopt and carry into active operation any other method of disposing of the sewage of its sewers above named, and sewers at any time discharging therein, than by a discharge into Alewife Brook, the obligation imposed by this section shall be void.

Storage basin to be constructed.

Pumping may be discontinued during repairs.

Proviso.

Proviso.

SECTION 2. For the purposes named in the preceding section, the city council of Cambridge shall have the same right to take private land in Somerville as it now has to

City council of Cambridge may take private land in Somerville.

take land for sewers in Cambridge, and all the proceedings of such taking shall be conducted in the same manner as though such land were in Cambridge, and all persons and corporations suffering damage in their property by reason of such taking shall have the same rights and remedies for ascertaining and recovering the amount of such damage as in the case of land taken for sewers in Cambridge.

If method is deemed impracticable, obligation imposed in first section to be void.

SECTION 3. If at any time after the construction of the works required by the first section hereof, and actual trial thereof, that method of disposing of said sewage be deemed by the state board of health, lunacy and charity, after such notice and hearing as said board may order, impracticable without great and unreasonable expense, or if by reason of the proceedings under the twelfth section hereof the city of Cambridge is prevented from discharging its sewage into Somerville sewer as aforesaid, then the obligation imposed by the first section hereof shall be void.

After three years, works may be discontinued.

SECTION 4. After the expiration of three years from the first day of September next, the city of Cambridge may at its option continue or discontinue the works prescribed in the first section hereof; said continuance however to be for a term of three years and no more, except with the consent of the city of Somerville, and subject to the same conditions as the original term.

Annual payments to the city of Somerville.

SECTION 5. So long as the city of Cambridge discharges its sewage into the sewer of Somerville in the manner herein before prescribed, it shall pay annually to the city of Somerville upon the first day of September, the first payment to be made on the first day of September, A. D. eighteen hundred and eighty-five, the sum of three thousand dollars, and in the same ratio for any part of a year, and during the same period shall dispose of the sewage and storm water of the city of Somerville emptying into any sewer of Cambridge under the provisions of this act, in the same manner that it disposes of its own sewage and storm water in the same sewer, and without any cost or charge to the city of Somerville.

Description of territory in Somerville to be drained.

SECTION 6. The city of Somerville for the purposes of draining the following described territory situated in Somerville, namely:—commencing at a point on the boundary line between Cambridge and Somerville distant one hundred sixty-eight feet southeasterly from a stone

bound marking said boundary line, and numbered twenty-two; thence running southeastwardly by said boundary line to the southeasterly line of Meacham street; thence turning and running northeastwardly by said southeasterly line of Meacham street to the Middlesex Central Railroad; thence continuing in the same direction and crossing said railroad to a point one hundred feet southwesterly from the southwesterly line of Holland street; thence turning and running northwestwardly by a line parallel with said southwesterly line of Holland street and one hundred feet distant therefrom, to the southeasterly line of Elmwood street; thence turning and running southwestwardly by said southeasterly line of Elmwood street to a point in line with the prolongation of the southwesterly line of Mead street; thence turning and running northwestwardly by said southwesterly line of Mead street prolonged, crossing Elmwood street and Cameron avenue, and by the said southwesterly line of Mead street to the northwesterly line of Moore street; thence in the same direction crossing Newbury street and Clarendon avenue to the land owned by the city of Cambridge; thence southwestwardly by said land of the city of Cambridge, to the point of beginning, — may connect any sewer upon such territory with any sewer in Cambridge; and for that purpose the city council of Somerville shall have the same right to take private land in Cambridge as it now has to take land for sewers in Somerville, and all the proceedings of such taking shall be conducted in the same manner as though such land were in Somerville, and all persons or corporations suffering damage in their property by reason of such taking shall have the same rights and remedies for ascertaining and recovering the amount of such damage as in the case of land taken for sewers in Somerville.

Territory to be drained.

City council of Somerville may take private land in Cambridge.

SECTION 7. Each of said cities may, for the purposes of this act, carry its pipes and drains under any street, railroad, highway or other way in such a manner as not unnecessarily to obstruct the same, and may enter upon and dig up such street, railroad, highway or other way for the purpose of laying, maintaining and repairing any such pipes and drains, and may do any other things necessary or proper in executing the purposes of this act; but whenever either of said cities enters upon or digs up for such purposes any road, street or way which is outside its own territorial limits, it shall be subject to such reason-

May dig up streets, etc.

Regulations to be prescribed by the mayor and aldermen.

Liability for damages.

Proviso.

When discharge of sewage shall cease.

Drainage not to be discharged into Alewife Brook.

able regulations as may be prescribed by the mayor and aldermen of the city wherein such street or way may be located, and shall restore said road, street or way to as good order and condition as it was in before such digging was commenced, shall perform the work in such manner and with such care as not to render any road, street or way in which such pipes are laid unsafe or unnecessarily inconvenient to the public travel thereon, and shall at all times indemnify and save harmless any city which is liable to keep in repair any road, street or way aforesaid, against all damages which may be recovered against it, and shall reimburse to it all expense which it shall reasonably incur by reason of any defect or want of repair in such road, street or way caused by the maintenance, repair or replacing of said pipes, or by reason of any injury to persons or property caused by any defect or want of repair in any such pipes: *provided*, that such city has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof. Either city shall have the right to use without compensation any sewer built under this act within its own territorial limits.

SECTION 8. Whenever the city of Cambridge lawfully ceases to discharge sewage into the sewer of the city of Somerville in the manner prescribed by the first section hereof, the city of Somerville shall cease to discharge its sewers into the sewers of the city of Cambridge, as provided in the sixth section hereof.

SECTION 9. No person or corporation, public or private, shall, after the first day of September next, discharge or cause to be discharged either directly or indirectly into Alewife Brook any drainage, refuse or polluting matter of such quality and quantity as either by itself or in connection with other matter shall corrupt the waters of said brook, or tend to make the brook a nuisance deleterious to public health: *provided, however*, that this prohibition shall not extend to the sewage from the sewers named in the first section hereof, nor to sewage from lands now emptying sewage into said brook, in case the method therein prescribed for disposing of the same be deemed impracticable as aforesaid by the state board of health, lunacy and charity; but this proviso shall not be construed to give to the city of Cambridge or any persons or corporation any right in addition to what it has at the date of the passage of this act, if any, to drain into said brook.

SECTION 10. Nothing herein contained shall be construed to prevent the city of Cambridge from discharging the storm water of its sewers, including those named in the first section hereof, into said brook, nor to destroy or impair prescriptive rights of drainage or discharge, if any, to the extent to which they lawfully exist at the date of the passage of this act; and nothing in this act contained shall be construed to authorize the pollution of the waters of said brook in any manner now contrary to law.

Discharge of
storm water.

SECTION 11. The mayor and aldermen of Cambridge may permit any persons owning lands in Cambridge, now draining into Alewife Brook, to drain such lands or any part thereof into either of the sewers in Cambridge named in the first section hereof, upon such terms and conditions as they may prescribe. If within fourteen days after application to them they do not grant to any such person permission thus to drain, or if such person be dissatisfied with the terms and conditions prescribed by the mayor and aldermen, he may appeal to the state board of health, lunacy and charity, which board, after such notice as it may order and a hearing, shall decide whether such person may enter either of the sewers and what sum either in gross or at stated periods he shall pay to Cambridge therefor, and what other terms and conditions, if any, shall be imposed on account of such entry, which decision shall be final and binding upon all parties, one-half of said sum to be paid to the city of Somerville.

Lands in Cambridge draining into Alewife Brook may be allowed to drain into sewers in Cambridge.

SECTION 12. If at any time after the expiration of two years from the first day of September next, the mayor and aldermen of Somerville shall be of opinion that the operation of the works or the discharge and flowage of the Cambridge sewage into and through the sewer of the city of Somerville, as provided for by this act, is detrimental to the health of the inhabitants of said city of Somerville, or any number thereof, said mayor and aldermen may apply to any justice of the supreme judicial court, in vacation or at any regular term thereof in any county, who shall forthwith, and after such notice as said court or any justice thereof may deem proper, appoint three capable and disinterested persons to sit as a commission of inquiry, whose duty it shall be to hear any evidence that may be produced before them touching the effect of the operation, discharge and flowage aforesaid upon the health of the inhabitants of said city of Somerville or any part thereof;

If discharge of Cambridge sewage through Somerville sewer is detrimental to health, commission may be appointed.

Commission to report to the court.

said commission prior to said hearing shall order such public notice thereof as may seem proper to them, and if they are of opinion that the works provided for in section one of this act cannot be longer operated, or the sewage therein provided for longer discharged into and conveyed through the sewers of said city of Somerville, without detriment as aforesaid to the public health, they shall report accordingly to said court, and said court shall accept, re-commit or reject said report, or enter such order, decree or judgment in the premises as may seem just and proper.

State board of health may order persons, etc., to desist from acts affecting public health, etc.

SECTION 13. Whenever a violation of any of the provisions of this act affecting the public health or the water supply of any city is committed, the state board of health, lunacy and charity may, if in its judgment the public health requires, order any person or corporation, public or private, to cease and desist from such violation and to remedy the pollution, or to cleanse or purify the polluting substances in such a manner and to such a degree that they shall be no longer deleterious to the public health, before being cast or allowed to flow into said brook: *provided*, that before making such order the said board shall assign a time and place for hearing all parties interested, and shall give such parties an opportunity of being heard, and the orders herein before provided shall not be issued until after such notice and hearing; *and provided also*, that upon the application of any city to said board alleging the violation of any of the provisions of this act, and the pollution of its water supply thereby, said board shall grant a hearing, upon due notification to all parties interested, and upon proof of such violation shall issue the order or orders already mentioned in this act.

Parties to have a hearing.

Proviso.

Injunction may be issued by S. J. C.

SECTION 14. The supreme judicial court or any one of its justices, in term time or vacation, shall have power to issue an injunction to enforce any order referred to in this act.

Order to be made in writing.

SECTION 15. Every such order of the board of health, lunacy and charity shall be made in writing, and served by any person competent to serve a notice in a civil suit, personally, upon the person found guilty of violation as aforesaid, or his authorized agent, or a copy of the order may be left at the last and usual place of abode of such person, or his agent, if he has any such place of abode within the state known to the officer. If the residence of

Service of order.

the owner or agent is unknown to the officer, or without the state, the order may be served by publication in one or more newspapers in such manner and for such time as said board may order. Any party aggrieved by any such order shall have the right of appeal to a jury, and be subject to sections eighty-eight and ninety of chapter eighty of the Public Statutes; during the pendency of the appeal, the pollution against which the order has issued shall not be continued contrary to the order, and upon any violation of the same the appeal shall be forthwith dismissed.

Right of appeal
to a jury.

SECTION 16. Nothing herein before contained shall be construed to exclude the jurisdiction of the supreme judicial court sitting in equity according to the usual course and practice of such court.

Jurisdiction of
S. J. C. in equity.

SECTION 17. This act shall take effect upon its passage, but shall become void unless accepted by the city council of each of said cities within thirty days thereafter.

Subject to ac-
ceptance within
thirty days.

Approved April 29, 1884.

AN ACT TO CONFIRM THE ORGANIZATION OF THE SOUTH POCASSET CEMETERY ASSOCIATION, AND TO ENABLE SAID CORPORATION TO HOLD CERTAIN REAL ESTATE.

Chap. 196

Be it enacted, etc., as follows:

SECTION 1. The organization of the South Pocasset Cemetery Association with all acts done under said organization, which societies of a similar character may legally do, are hereby ratified and confirmed.

Organization
confirmed.

SECTION 2. The said corporation may take and hold the real estate known as the "Old Cemetery lot" situate in that part of the town of Bourne called Pocasset adjoining the property of said corporation and containing one hundred and eighteen rods for burial purposes, subject to all laws that are or hereafter may be in force relating to similar societies.

May take and
hold the "Old
Cemetery lot."

SECTION 3. Any person claiming to be aggrieved by the provisions of this act, may at any time within one year after this act takes effect, apply by petition to the superior court for the county of Barnstable, and his damages, if any, shall be assessed and determined by and under the direction of said court, and shall be paid by said South Pocasset Cemetery Association.

Assessment of
damages.

SECTION 4. This act shall take effect upon its passage.

Approved April 30, 1884.

Chap.197 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF CHELSEA.

Be it enacted, etc., as follows :

Salary of clerk. SECTION 1. The clerk of the police court of Chelsea shall receive an annual salary of nine hundred dollars.

Repeal. SECTION 2. So much of section three of chapter one hundred and seventy-six of the acts of the year eighteen hundred and eighty-two as is inconsistent with this act is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1884.

Chap.198 AN ACT TO INCORPORATE THE NEEDHAM CEMETERY ASSOCIATION.

Be it enacted, etc., as follows :

The Needham Cemetery Association incorporated. SECTION 1. James Mackintosh, Lauren Kingsbury, William Moseley, Edgar H. Bowers, William Carter, Cyrus W. Jones, Otis Morton, Albert E. Miller, Alexander Lynes and William Gorse, their associates and successors, are hereby made a corporation by the name of The Needham Cemetery Association, for the purpose of acquiring, holding, managing and perpetuating a place for the burial of the dead in the town of Needham, with all the powers and privileges and subject to all the duties, restrictions and liabilities contained in general laws which now are or hereafter may be in force relating to similar corporations, except as otherwise hereinafter provided.

Real and personal estate. SECTION 2. Said corporation may purchase, acquire, receive and hold real estate in the town of Needham, to the extent of forty acres, and may also hold personal estate to an amount not exceeding twenty-five thousand dollars, in addition to any amounts which may be held by it under the provisions of section six of this act.

First parish in Needham may convey burial ground to corporation when organized. SECTION 3. The first parish in Needham is hereby authorized, whenever said corporation shall be duly organized, to release and convey to said corporation for such consideration and upon such terms as may be agreed upon by a deed executed by the treasurer of said parish on its behalf, the whole of the real estate and rights of property now held and set apart by said parish as a burial ground for the dead : *provided*, that a majority of the qualified voters of said parish present and voting shall vote so to do at a meeting duly warned for that purpose.

Proprietors of lots to be mem. SECTION 4. All persons who shall become proprietors

of lots in any lands acquired by said corporation and all persons who shall be proprietors of lots, whether by deed or otherwise, in the real estate mentioned in section three of this act, at such time as the release and conveyance therein authorized may be made to said corporation, shall be and become members of said corporation. And whenever any person shall cease to be the proprietor of a lot in the lands of said corporation he shall cease to be a member thereof.

bers of corpora-
tion.

SECTION 5. All the net proceeds of sales of lots in the lands held by said corporation shall be forever devoted and applied to the preservation, improvement, embellishment, protection and enlargement of said cemetery, and the incidental expenses thereof, and to no other purpose.

Net proceeds of
sales to be de-
voted to im-
provements.

SECTION 6. Said corporation is hereby authorized to take and hold any grant, donation or bequest of property, upon trust to apply the same, or the income thereof, for the improvement, embellishment or enlargement of said cemetery, or for the erection, repair, preservation or removal of any monument, fence or other erection, or for the planting and cultivation of trees, shrubs or plants, in or around any lot, or for improving said premises in any other manner or form, consistent with the purposes for which said corporation is established, according to the terms of such grant, donation or bequest; and whenever any such grant, donation or bequest, or any deposit of any money shall be made by the proprietor of any lot in said cemetery, for the annual repair, preservation or embellishment of such lot and the erections thereon, the said corporation may give to such proprietor or his representatives an agreement or obligation, in such form and upon such conditions as it may establish, binding said corporation and its successors to preserve and keep in repair said lot forever, or for any such period as may be agreed upon.

May take and
hold any grant
or bequest of
property.

SECTION 7. The officers of said corporation shall consist of five trustees, a treasurer, and a clerk, who shall be elected at the annual meeting of said corporation, a president to be elected annually by the trustees from among their numbers and such subordinate officers as may be provided for by the by-laws. Said treasurer and clerk shall each be elected for one year, and until his successor is elected and qualified. Said trustees shall be elected, one each year, for the term of five years, provided however that at the first election the terms shall be respec-

Treasurer and
clerk to be elect-
ed annually.

Trustees to hold
office for five
years.

tively, one, two, three, four and five years. Said trustees shall have the general management, care and superintendence of the property, expenditures, business and prudential affairs of said corporation and of the sales of lots in said cemetery, and shall make a report of their doings to the corporation at its annual meeting. The treasurer shall give such bond as the trustees may direct. In case of a vacancy in said board of trustees or in the office of treasurer or clerk, by death, resignation, removal or otherwise, such vacancy may be filled for the unexpired term at any annual or special meeting of the corporation.

Vacancies.

Annual meetings.

SECTION 8. The annual meeting of said corporation shall be held on the first Tuesday of April in each year, at such place in the town of Needham as the trustees shall direct. Special meetings may be called at any time by order of the trustees. Notice of annual and special meetings shall be published two successive weeks in some newspaper published in said town of Needham, or in the town of Dedham. At all meetings of said corporation a quorum for business shall consist of not less than fifteen persons, and any business, except as hereinafter provided, may be transacted, of which notice shall have been given in the advertisement of the meeting, and all questions shall be decided by a majority of the members present or represented who may vote either in person or by proxy.

Quorum to consist of fifteen persons.

Meeting for organization.

SECTION 9. This act shall take effect upon its passage, so far as to authorize the corporation herein mentioned to hold a meeting at which an organization shall be effected by the election by ballot of a temporary president, treasurer and clerk, who shall be authorized to negotiate with said parish for a conveyance to said corporation of the whole or any part of the real estate of said parish, including that mentioned in section three, and to receive such conveyance, but shall not take effect for any other than the foregoing purposes until such conveyance shall have been executed and delivered by said parish to said corporation. Notice of the time, place and purpose of said meeting shall be given in writing by the corporator first named to each of the others, three days at least before said meeting. As soon as said conveyance shall have been made and delivered as aforesaid, said temporary president, treasurer and clerk shall call a meeting of the proprietors of lots in said real estate mentioned in section three, who shall at said meeting elect by ballot the officers

Meeting to be called after conveyance is made.

mentioned in section seven. If said meeting shall be held on any other day than that herein before prescribed for the annual meeting, all officers elected shall hold their respective offices for the full terms to which they may be severally elected, reckoning however as one year the time intervening between the date of the said first meeting and the date of the annual meeting next ensuing. Said first meeting shall be called by publishing notice of the time, place and purposes thereof two successive weeks in some newspaper published in said Needham or said Dedham, the last publication to be at least three days before said meeting.

First meeting.

Approved April 30, 1884.

AN ACT IN ADDITION TO AN ACT TO REGULATE THE TAKING OF FISH IN NORTH RIVER IN THE COUNTY OF PLYMOUTH. Chap.199

Be it enacted, etc., as follows:

SECTION 1. Whoever sets a seine or combination of seines over three hundred and eighty-five feet in length, or casts a mesh net over three hundred and fifty feet in length, in the North River in the county of Plymouth, shall for each offence be punished by fine not less than twenty-five nor more than one hundred dollars, or by imprisonment in the house of correction not less than one nor more than three months.

Fisheries regulated in North River.

SECTION 2. Section forty-one of chapter ninety-one of the Public Statutes shall not apply to the fisheries in said North River.

Provisions of P. S. 91, § 41, not to apply.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1884.

AN ACT CONFIRMING CERTAIN ACTS OF THE TOWN OF WOBURN IN RELATION TO ITS WATER SUPPLY AND AUTHORIZING AN INCREASE OF ITS WATER DEBT. Chap.200

Be it enacted, etc., as follows:

SECTION 1. The following votes of the town of Woburn and the debts respectively contracted thereunder and the notes given therefor as herein specified, so far as the same are invalid for want of authority in the town to increase its permanent water debt or by reason of any omission to comply with the provisions of law, are hereby made valid and confirmed, to wit:—The vote of said town passed at a town meeting held on the second day of April in the year eighteen hundred and seventy-seven authoriz-

Votes of the town of Woburn confirmed.

Votes confirmed.

ing its treasurer to hire money sufficient to pay the claim of George H. Norman against the town, being on account of the construction of its water works, the two debts contracted thereunder amounting to twenty-two thousand five hundred dollars and the two notes given therefor:—The vote of said town passed at a town meeting held on the thirtieth day of July in the year eighteen hundred and seventy-eight, authorizing its treasurer to hire twelve thousand dollars for water works construction, and the vote of said town passed at a town meeting held the seventh day of April in the year eighteen hundred and seventy-nine authorizing its treasurer to hire the sum of thirty-five hundred dollars for water works construction in addition to the twelve thousand dollars specified in the last preceding vote, the two debts contracted under said two last mentioned votes both amounting to fifteen thousand five hundred dollars and the two notes given therefor:—The vote of said town passed at a town meeting held on the twenty-sixth day of May in the year eighteen hundred and seventy-nine authorizing its water commissioners to purchase an engine for its water works and appropriating eight thousand dollars therefor:—The vote of said town passed at a town meeting held on the twentieth day of October in the year eighteen hundred and seventy-nine authorizing its treasurer to hire a sum not exceeding fifty-five hundred dollars for its water works construction, the two debts contracted under said two last mentioned votes both amounting to thirteen thousand three hundred dollars and the two notes given therefor; and the vote of said town passed at a town meeting held on the thirtieth day of July in the year eighteen hundred and eighty authorizing its treasurer to hire the sum of twenty-five thousand dollars appropriated to water works construction, the debt of fifteen thousand dollars contracted thereunder and the note given therefor.

Sinking funds.

SECTION. 2. The action of said town in establishing sinking funds in accordance with any of said votes is hereby made valid and confirmed.

May increase water debt.

SECTION 3. In addition to the water debts amounting to sixty-six thousand three hundred dollars made valid and confirmed as set forth in section one of this act, said town may further increase its permanent water debt to an amount not exceeding thirty-three thousand seven hundred dollars upon complying with the provisions of chapter

twenty-nine of the Public Statutes and any acts in amendment thereof or in addition thereto so far as the same are applicable.

SECTION 4. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose within two years from its passage.

Subject to acceptance by a two-thirds vote.

Approved April 30, 1884.

AN ACT TO AUTHORIZE THE TOWN OF CONCORD TO INCREASE ITS
WATER SUPPLY.

Chap. 201

Be it enacted, etc., as follows:

SECTION 1. The town of Concord, in addition to the powers now conferred upon it by law, is hereby authorized to supply itself and its inhabitants and other persons, towns and corporations on the line of its water works with pure water to extinguish fires, generate steam and for domestic and other purposes, and may establish public fountains and hydrants and regulate their use, and discontinue the same, and may collect rates to be paid for the use of the water.

May increase water supply.

SECTION 2. Said town, for the purposes aforesaid, may take and hold the waters of Nagog Pond, so called, in the towns of Acton and Littleton and the waters which flow into and from the same, and may also take and hold by purchase or otherwise all necessary lands for raising, holding, diverting, purifying and preserving such waters, and conveying the same to any and all parts of said town of Concord, and may erect thereon proper dams, reservoirs, buildings, fixtures and other structures, and make excavations and embankments, and procure and operate machinery therefor; and for such purposes may construct and lay down, dig up and repair conduits, pipes and other works in, under or over any lands, water courses or railroads, and along any street, highway, alley or other way, in such manner as not unnecessarily to obstruct the same, and may dig up, raise and embank any such lands, street, highway, alley or other way in such manner as to cause the least hindrance to travel thereon.

May take waters of Nagog Pond in Acton and Littleton.

SECTION 3. Instead of taking the entire waters of said Nagog Pond, said town of Concord may, if it shall so elect, take a part of said waters, such election to be made by a vote of said town declaring the quantity or proportion of said waters to be so taken.

Quantity of water to be taken subject to a vote of the town.

To file in registry of deeds a description of land and water taken.

SECTION 4. Within ninety days after the time of taking any lands, waters or water courses as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the southern district of the county of Middlesex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by a majority of the water commissioners of said town; and if said town shall have made the election authorized by section three of this act, said description and statement shall be accompanied by a copy of the vote of said town signifying such election.

May, by vote, take an increased proportion of waters.

SECTION 5. Said town of Concord, if it shall have made the election authorized by section three of this act, may thereafter from time to time, if it shall so elect, take an increased proportion of said waters, each successive election to be made by a vote of said town declaring the additional quantity or proportion of said waters to be so taken, and upon each such successive election and within ninety days thereafter said town shall file in said registry of deeds a description, statement and copy of the vote therefor as provided for in section four of this act.

Water to be measured.

SECTION 6. If said town shall make the election authorized by section three of this act, said town shall provide a reliable means or method of measuring and registering the amount of water taken, such register or record to be at all times accessible to any interested parties.

Liability for damages.

SECTION 7. The said town of Concord shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under the authority of this act; said damages to be based and proportioned in case of the taking of water or water rights upon the amount of water taken as aforesaid. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within three years from the time when the water is actually withdrawn or diverted, and not thereafter. No application for the assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the

Application for damages not to be made until water is actually withdrawn.

water is actually withdrawn or diverted by said town under the authority of this act.

SECTION 8. Said town of Concord, for the purposes herein authorized, may from time to time borrow money and issue notes, bonds or scrip therefor to an amount not exceeding fifty thousand dollars in addition to the amount already authorized by law in the manner and under the restrictions provided by section four of chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two.

May borrow money and issue bonds, etc.

SECTION 9. The board of water commissioners of said town of Concord shall execute, superintend and direct the performance of all the works, matters and things mentioned in this act and exercise all the rights, powers and privileges hereby granted to said town and not otherwise specifically provided for herein, subject to the vote of said town. The provisions of sections seven, eight, nine and ten of chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two shall apply to this act as if inserted herein.

Water commissioners to have charge of works.

SECTION 10. Nothing contained in this act shall prevent the town of Acton nor the town of Littleton from taking the waters of said Nagog Pond whenever said towns or either of them may require the same for similar purposes, and in case of such taking by either of said towns or both of them, if from any reason the supply of water in said pond shall not be more than sufficient for the needs of the inhabitants of the towns of Acton and Littleton, then the needs of the inhabitants of said towns shall be first supplied; and if either of said towns of Acton or Littleton shall hereafter be authorized to take and shall take the waters of said Nagog Pond or any part thereof which the town of Concord may have taken under this act, said town so taking shall pay to said Concord a just and proportionate part of whatever sums the said town of Concord shall have paid or become liable to pay for water damages to any persons or corporations for the taking of water rights from said pond or the outlet thereof, to be ascertained, if the parties shall fail to agree, by three commissioners to be appointed upon the application of either party by the supreme judicial court; the report of said commissioners made after hearing the parties, and returned to and accepted by said court shall be final between the said parties.

Acton and Littleton not prevented from taking waters of Nagog Pond.

If water is taken, towns to pay just proportion of damages.

Commonwealth
may take water
from Nagog
Pond.

SECTION 11. The Commonwealth of Massachusetts shall have the right to take from said Nagog Pond, for use in buildings owned by said Commonwealth in the town of Concord, an amount of water not exceeding two hundred thousand gallons per day, and the said right is hereby reserved. If the said Commonwealth shall take from said pond its waters, or any part thereof, which the town of Concord may have taken under this act, otherwise than by contract with said town of Concord, the said Commonwealth shall pay to said town of Concord a just and proportionate part of whatever sums the said town of Concord shall have paid or become liable to pay for water damages to any persons or corporations for the taking of water rights from said pond or the outlet thereof, to be ascertained and determined as is provided for in section ten of this act. But if upon the expiration of the contract made on the first day of October in the year eighteen hundred and eighty-three between the said town of Concord and said Commonwealth to provide for the delivery of water from the Concord water works for use within the walls of the state prison, said town of Concord by its water commissioners shall renew said contract for five years on the terms named therein, or shall tender to the governor of the Commonwealth a renewal of said contract for five years on the terms named therein, with the option upon the part of said Commonwealth of a further renewal for a term of twenty years upon said terms, then the right of said Commonwealth herein provided for shall cease.

Contract be-
tween Concord
and the Com-
monwealth.

Subject to ac-
ceptance by
town of Concord
within one year.

SECTION 12. This act shall take effect upon its passage, but shall become void unless it is accepted by a vote of said town of Concord at a legal meeting held for the purpose within one year from its passage.

Approved April 30, 1884.

Chap. 202

AN ACT TO INCORPORATE THE HIGHLAND CONGREGATIONAL CHURCH
IN LOWELL.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. James G. Buttrick, William L. Davis, Cyrus B. Emerson, John T. Carter, Hamden Spiller, Lucy R. Carter, Almira Sturtevant, Clara S. Spiller and all other members of the Highland Congregational Church in Lowell, and their successors as members of said

church, are hereby made a corporation with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to religious societies.

Powers and duties.

SECTION 2. Said corporation shall be called the Highland Congregational Church.

Name.

SECTION 3. Said corporation may hold real and personal estate to an amount not exceeding fifty thousand dollars, for parochial and religious purposes.

Real and personal estate.

SECTION 4. This act shall take effect upon its passage.

Approved April 30, 1884.

AN ACT RELATIVE TO THE APPOINTMENT OF RECEIVERS OF CORPORATIONS.

Chap.203

Be it enacted, etc., as follows :

SECTION 1. Section forty-two of chapter one hundred and five of the Public Statutes, relative to the appointment of receivers of corporations, is hereby amended by striking out in the fifth line thereof the words, “ at any time within said three years.”

Appointment of receivers upon expiration of corporation.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1884.

AN ACT RELATING TO THE COMPENSATION OF THE CLERK OF THE FOURTH DISTRICT COURT OF PLYMOUTH.

Chap.204

Be it enacted, etc., as follows :

SECTION 1. The clerk of the fourth district court of Plymouth shall receive, in addition to his salary, his travelling expenses necessarily incurred in discharge of the duties of his office, not exceeding one hundred dollars per year, to be audited and allowed by the county commissioners of said county.

Salary and travelling expenses of clerk.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1884.

AN ACT RELATING TO THE COMPENSATION OF THE SPECIAL JUSTICES OF THE DISTRICT COURT OF HAMPSHIRE.

Chap.205

Be it enacted, etc., as follows :

SECTION 1. The special justices of the district court of Hampshire shall be allowed their travelling expenses necessarily incurred when holding sessions of said court out of the places where they respectively reside, not exceed-

Travelling expenses to be paid.

ing one hundred dollars per year each, to be audited and allowed by the county commissioners of said county.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1884.

Chap.206 AN ACT IN ADDITION TO AN ACT CONCERNING BEACHES IN THE TOWN OF SWAMPSCOTT.

Be it enacted, etc., as follows:

Sand, gravel, etc., not to be removed without permission of selectmen.

SECTION 1. Chapter two hundred and seventeen of the acts of the year eighteen hundred and fifty-six, concerning beaches in the town of Swampscott, is hereby so amended that all the provisions of said act shall apply to Phillips Beach, so called, in said town, extending from Phillips Point northerly to the line of the town of Marblehead, in the same manner as to the beaches named in said act.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1884.

Chap.207 AN ACT RELATING TO THE ANNUAL REPORT OF THE AUDITOR OF ACCOUNTS.

Be it enacted, etc., as follows:

Report of the auditor of accounts.

SECTION 1. On or before the thirtieth day of January in each year the auditor of accounts shall submit in print or otherwise, to the general court, an abstract of his report for the early use of the legislature, exhibiting a full and accurate statement of the financial condition of the Commonwealth, and of the pecuniary transactions thereof, during the year ending on the last day of the preceding month. And his report in detail shall be submitted in print as soon thereafter as may be.

P. S. 16, § 7, repealed.

SECTION 2. Section seven of chapter sixteen of the Public Statutes is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1884.

Chap.208 AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE FIRST DISTRICT COURT OF EASTERN WORCESTER.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. The annual salary of the justice of the first district court of Eastern Worcester shall be one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1884.

AN ACT IN RELATION TO THE COMPENSATION OF THE SHERIFF OF THE COUNTY OF DUKES COUNTY. *Chap.209*

Be it enacted, etc., as follows :

SECTION 1. The sheriff of the county of Dukes County may retain to his own use, in addition to his salary, the fees accruing from the service of processes from and after the first day of January in the current year. May retain fees accruing from service of process.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1884.

AN ACT IN RELATION TO THE BETTER PROTECTION OF CHILDREN. *Chap.210*

Be it enacted, etc., as follows :

SECTION 1. Section four of chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-two is hereby amended so as to read as follows : — Whoever unreasonably neglects to provide for the support of his minor child shall be punished by fine not exceeding twenty dollars, or by imprisonment in the house of correction not exceeding six months. All fines imposed under this section may in the discretion of the court be paid in whole or in part to the town, city, corporation, society or person actually supporting such minor child at the time of making the complaint. Penalty for unreasonably neglecting to support minor child.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1884.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE POLICE COURT OF BROOKLINE. *Chap.211*

Be it enacted, etc., as follows :

SECTION 1. The annual salary of the justice of the police court of Brookline shall be one thousand dollars. Salary of justice.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1884.

AN ACT FOR THE BETTER PROTECTION OF LOBSTERS.

Chap.212

Be it enacted, etc., as follows :

SECTION 1. Section eighty-four of chapter ninety-one of the Public Statutes is amended so as to read as follows : — Whoever sells or offers for sale, or has in his possession, a lobster less than ten and one-half inches in length, Lobsters less than ten and one-half inches in length, not to be sold or had in possession.

measuring from one extreme of the body extended to the other, exclusive of claws or feelers, shall forfeit five dollars for every such lobster; and in all prosecutions under this section the possession of any lobster not of the required length shall be *prima facie* evidence to convict.

Mutilation affecting length, *prima facie* evidence, etc.

SECTION 2. Any mutilation of a lobster affecting its measurement shall be *prima facie* evidence that the lobster is less than ten and one-half inches in length.

Commissioners of inland fisheries to enforce the law.

SECTION 3. The commissioners of inland fisheries shall have the same powers to enforce the provisions of this act as they have to enforce all laws regulating inland fisheries given them by section three of chapter ninety-one of the Public Statutes.

District police may be detailed, etc.

SECTION 4. The governor may, at the written request of the commissioners on inland fisheries, or either of them, detail one or more of the district police, from any district or town he may see fit, to enforce the provisions of this act throughout the Commonwealth.

P. S. 91, § 83, not repealed.

SECTION 5. Nothing herein contained shall be so construed as to repeal any part of section eighty-three of chapter ninety-one of the Public Statutes.

Approved May 2, 1884.

Chap. 213 AN ACT RELATING TO THE EMPLOYMENT OF PILOTS ON BOARD WHALING VESSELS OUTWARD BOUND FROM THE PORT OF NEW BEDFORD.

Be it enacted, etc., as follows:

Whaling vessels outward bound not required to employ a pilot.

SECTION 1. Whaling vessels outward bound from the port of New Bedford shall be exempt from the provisions of section twenty-seven of chapter seventy of the Public Statutes relating to the employment of pilots.

To take effect Aug. 1, 1884.

SECTION 2. This act shall take effect on the first day of August in the year eighteen hundred and eighty-four.

Approved May 5, 1884.

Chap. 214 AN ACT TO INCORPORATE THE BRANDT ISLAND CLUB.

Be it enacted, etc., as follows:

Brandt Island Club incorporated.

SECTION 1. John S. Loomis, Geo. V. Brower, Alfred W. Booth, Charles S. Belford and Thomas Stratton, their associates and successors, are hereby made a corporation on Brandt Island in the town of Mattapoisett, by the name of Brandt Island Club, for the purpose of erecting on said island houses and other buildings for residence,

and improving and beautifying said island and such premises as they may hereafter acquire contiguous thereto, and for the propagation of shell and other fish; with all the powers and privileges, and subject to the duties, liabilities and restrictions which now are or may be in force relating to such corporations.

SECTION 2. Seining or taking of fish by any other method than with hook and line within fifty rods of said island, or the taking and carrying away of shell fish within fifty rods of said island, without the written consent of the selectmen of the town of Mattapoisett, is prohibited, under a forfeiture for each offence of a sum not exceeding twenty dollars and not less than five dollars, to be recovered in any court proper to try the same.

Fishing with
hook and line.

Shell fish.

SECTION 3. Said corporation may hold real and personal estate to the amount of fifty thousand dollars, and mortgage and sell the same; and the whole capital stock of said corporation shall not exceed fifty thousand dollars, divided into shares of one hundred dollars each: *provided*, that said corporation shall incur no liabilities until an amount equal to fifty per cent. thereof is subscribed and paid in in cash.

Real and personal
estate and
capital stock.

Approved May 5, 1884.

AN ACT TO ESTABLISH THE FIRST DISTRICT COURT OF NORTHERN WORCESTER.

Chap. 215

Be it enacted, etc., as follows:

SECTION 1. The towns of Athol, Petersham, Phillips-ton, Royalston, Templeton, Gardner and Hubbardston shall constitute a judicial district under the jurisdiction of a court to be called the First District Court of Northern Worcester. Said court shall be held in the towns of Athol and Gardner, and shall have a clerk.

First district
court of North-
ern Worcester.

SECTION 2. There shall be one justice and two special justices of said court, and the said justices and the clerk herein provided for shall be appointed in the manner and with the tenure of office respectively provided in the case of justices and clerks of other police and district courts. All the provisions of law applicable in common to police and district courts shall be applicable to said court.

One justice and
two special jus-
tices.

SECTION 3. The said court shall be held daily except on Sundays and legal holidays for criminal business, on Mondays, Wednesdays and Fridays at Gardner, and Tuesdays, Thursdays and Saturdays at Athol; and return

Sessions of the
court for civil
and criminal
business.

Return days for writs. days for writs in civil actions therein shall be at Garduer on the first and third Wednesdays and at Athol on the second and fourth Thursdays of each month. Two or more sessions of said court may be held in either or both of said towns at the same time, the fact being stated upon the record. Said court may adjourn from one to the other of said towns whenever the public convenience may seem to the justice presiding therein to render such adjournment expedient, and when no justice is present the court may be so adjourned by the sheriff of Worcester county or either of his deputies.

Salaries of justice and clerk. SECTION 4. The justice of said court shall receive from the county of Worcester an annual salary of twelve hundred dollars, and the clerk thereof an annual salary of six hundred dollars.

Writ may run into any county when one of several defendants resides in district. SECTION 5. When one of several defendants resides within said district the writ issued by said court may run into any county and be served on the other defendant or defendants fourteen days at least before its return day, in like manner as if issued by the superior court.

Proceedings duly commenced to be prosecuted and determined. SECTION 6. All proceedings duly commenced before any trial justice for said county within said district, or before any police, district or municipal court before this act takes full effect shall be prosecuted and determined as if this act had not been passed.

To take full effect July 1, 1884. SECTION 7. This act shall take effect, so far as relates to appointing, commissioning and qualifying the justice, special justices and clerk of said court on its passage, and shall take full effect on the first day of July next.

Approved May 6, 1884.

Chap. 216 AN ACT TO CHANGE THE NAME OF THE WASHBURN IRON COMPANY.
Be it enacted, etc., as follows:

Name changed to Worcester Steel Works. SECTION 1. The Washburn Iron Company incorporated by chapter thirty-nine of the acts of eighteen hundred and sixty-four shall hereafter be known as the Worcester Steel Works.

To take effect July 1, 1884. SECTION 2. This act shall take effect on the first day of July eighteen hundred and eighty-four.

Approved May 6, 1884.

AN ACT TO FIX THE TIME OF FILING THE ANNUAL STATEMENTS OF
INSURANCE COMPANIES. *Chap.217*

Be it enacted, etc., as follows :

The annual statements of insurance companies doing business in this Commonwealth, which are now required to be filed before the fifteenth day of January may in cases where good cause is shown be filed within a date not later than February fifteenth by the consent of the insurance commissioner.

Time of filing the annual statements of insurance companies.

Approved May 8, 1884.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE LAST ANNUAL
TOWN MEETING OF THE TOWN OF OTIS. *Chap.218*

Be it enacted, etc., as follows :

SECTION 1. The proceedings of the annual town meeting of the town of Otis, held on the first Monday of March in the year eighteen hundred eighty-four, shall not be invalid for the reason that the tellers appointed to aid in checking the names of voters and in assorting and counting the votes were not sworn ; and the election of the town officers at said meeting is ratified and confirmed.

Proceedings at the annual town meeting confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1884.

AN ACT RELATING TO DIVORCE IN CASES OF LONG AND UNEX-
PLAINED ABSENCE OF THE LIBELLE. *Chap.219*

Be it enacted, etc., as follows :

SECTION 1. A divorce from the bond of matrimony may be decreed for any of the causes allowed by law notwithstanding the fact that the libellee has been continuously absent for such a period of time and under such circumstances as would raise a presumption of death.

Divorce for any legal cause, notwithstanding such an absence of libellee as would raise presumption of death.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1884.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE FIRST
DISTRICT COURT OF BRISTOL, HOLDING COURT IN ATTLEBOROUGH. *Chap.220*

Be it enacted, etc., as follows :

SECTION 1. The justice of the first district court of Bristol, who holds sessions of that court in Attleborough under the provisions of chapter one hundred and eighty-nine of the acts of eighteen hundred seventy-seven, shall be paid at the rate of eight hundred dollars a year.

Salary of justice.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1884.

Chap. 221 AN ACT TO ESTABLISH AND INCORPORATE THE MASONIC EDUCATION AND CHARITY TRUST.

Be it enacted, etc., as follows:

May institute a board of trustees to have charge of the funds.

SECTION 1. The corporation known as the Master, Wardens and Members of the Grand Lodge of Masons in Massachusetts, established by chapter seventy-three of the acts of the year eighteen hundred and fifty-nine, shall have authority to institute a board of trustees, as herein-after provided, to receive, hold, invest, re-invest and manage all gifts, devises and bequests made either to said board or to the grand lodge upon trusts for educational or charitable purposes and relief connected with the families of deceased or living members of said grand lodge and its subordinate organizations, or for the relief of distressed freemasons, their widows or orphans, of this or other states or countries, and also for the promotion of its library and collections relating to art, architecture and antiquities; and it may also accept and hold in trust such funds as the said grand lodge may from time to time give to it upon specific trusts for any of the above named charitable or educational uses: *provided, however,* that the whole amount of funds and property so held shall not exceed one million dollars.

Funds and property not to exceed \$1,000,000.

Trustees to become a corporation under name of the Masonic Education and Charity Trust.

SECTION 2. When said board of trustees have been elected and shall have organized by electing a president, treasurer and secretary, the board shall report its organization to the grand lodge, and the master thereof shall report the same to the secretary of the Commonwealth, under the seal of the grand lodge attested by the grand secretary, and thereupon said board shall be a corporation by the name of the Masonic Education and Charity Trust, with the same powers and subject to the same restrictions and liabilities as provided by general laws relating to corporations for similar purposes, but shall have none of the powers described in sections eight, nine and eleven of chapter one hundred fifteen of the Public Statutes.

Trustees to hold office for eight years.

SECTION 3. The said grand lodge shall elect eight trustees who shall hold respectively for terms of one, two, three, four, five, six, seven and eight years from the first day of January in the current year, and thereafter shall elect one trustee annually to hold for eight years, and may fill any vacancy that shall arise by death, resignation or removal by the board of any member for infirmity, neglect or other sufficient cause. A trustee may hold over after

his term expires till his successor has been elected and accepted. If after four months from the expiration of the term or the occasion of a vacancy no election of a successor has been so made, the board of trustees may elect a trustee, who shall be a member of the grand lodge aforesaid, to fill the unexpired term. The grand master for the time being shall be a member of the board. Five of said trustees shall not at the same time hold the office of trustee and any other elected or appointed office in the grand lodge.

SECTION 4. No loan shall be made of the trust funds to any member of the board, nor shall any member be surety for such loan. The trustees shall annually report the condition and investment of all the funds entrusted to them, to the said master, wardens and members of the grand lodge, whose directors shall cause the accounts of the said board to be examined at least once a year and oftener should they deem it necessary, and certify the result.

No loan of trust funds to be made to any member of the board. Annual reports to be made to the grand lodge.

Approved May 8, 1884.

AN ACT REQUIRING RAILROAD COMPANIES TO USE SAFETY COUPLERS
ON FREIGHT CARS.

Chap. 222

Be it enacted, etc., as follows:

SECTION 1. Every railroad company operating a railroad or any portion of a railroad, wholly or partly within the state, shall place upon every freight car hereafter constructed or purchased by such corporation, and upon every freight car owned by such corporation, of which the coupler or drawbar is repaired by it, with intent to use such car, such forms or form of automatic or other safety coupler at each end thereof as the board of railroad commissioners may prescribe after examination and test of the same, and the railroad commissioners may annul any recommendation made by them.

Safety couplers to be used on freight cars.

SECTION 2. The provisions of this act may be enforced by the supreme judicial court on application of the attorney-general.

Provisions may be enforced by S. J. C.

SECTION 3. So much of this act as relates to the examination and test shall take effect on its passage, and the same shall take full effect on the first day of March next.

To take full effect March 1, 1885.

Approved May 8, 1884.

Chap.223 AN ACT RELATING TO SAFETY APPLIANCES IN HOTELS AND PUBLIC BUILDINGS.

Be it enacted, etc., as follows :

Certain hotels, etc., not required to maintain more than one watchman.

SECTION 1. All hotels, boarding and lodging houses, subject to the provisions of chapter two hundred and fifty-one of the acts of the year eighteen hundred eighty-three, adopting a system of electric watch-clocks, that shall register at the office the movements of the watchman throughout the house, or adopting in the rooms any system of thermostats, or fire-alarm bells that shall be approved by the inspector of factories and public buildings, or in the city of Boston by the inspector of buildings, shall be exempt from maintaining more than one watchman, in addition to the regular night clerk and porters.

Provisions to apply to family hotels.

SECTION 2. The provisions of this act and of said chapter two hundred and fifty-one of the acts of the year eighteen hundred and eighty-three shall apply to family hotels.

SECTION 3. This act shall take effect upon its passage.

Approved May 8, 1884.

Chap.224 AN ACT TO AUTHORIZE THE TOWN OF BEDFORD TO AID THE EXTENSION OF THE BOSTON AND LOWELL RAILROAD.

Be it enacted, etc., as follows :

May raise money to aid in construction of railroad.

SECTION 1. The town of Bedford is hereby authorized to raise by taxation or otherwise a sum of money not to exceed two thousand dollars, and to pay the same to the Boston and Lowell Railroad Corporation as a contribution in aid of the construction of the extension of the railroad of said corporation through said town : *provided*, that the inhabitants of said town, at a meeting duly called for that purpose, by vote of two-thirds of the legal voters present and voting thereon, shall vote to make such contribution.

Subject to a two-thirds vote of the town.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1884.

Chap.225 AN ACT TO AUTHORIZE THE TOWN OF BILLERICA TO AID THE EXTENSION OF THE BOSTON AND LOWELL RAILROAD.

Be it enacted, etc., as follows :

May raise money to aid in construction of railroad.

SECTION 1. The town of Billerica is hereby authorized to raise by taxation or otherwise a sum of money not to exceed forty thousand dollars and to pay the same to the Boston and Lowell Railroad Corporation as a contribution

in aid of the construction of the extension of the railroad of said corporation through said town: *provided*, the inhabitants of said town, at a meeting duly called for that purpose, shall, by a vote of two-thirds of the legal voters present and voting thereon, vote to make such contribution.

Subject to a two-thirds vote of the town.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1884.

AN ACT IN RELATION TO BETTERMENTS FOR LOCATING, LAYING OUT
AND CONSTRUCTING STREETS, WAYS AND PUBLIC PARKS.

Chap. 226

Be it enacted, etc., as follows:

SECTION 1. Whenever the authorities empowered to locate, lay out or construct streets, ways or public parks in a city or town, shall take by purchase or otherwise any land therefor, such authorities may make an agreement in writing with the owner of such land that the city or town shall assume any betterments assessed upon the remainder of such owner's lands or any portion thereof, for such location, laying out and construction, and such agreement shall be binding on such city or town: *provided*, such owner shall, on such terms as may be agreed upon with said authorities, release to the city or town all claims for damages on account of locating, laying out and constructing such street, way or park.

When land is taken for streets or parks authorities may agree to assume any betterments assessed upon owner's lands.

Owner to release claims for damages.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1884.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE SIGMA PHI SOCIETY
OF WILLIAMS COLLEGE TO HOLD ADDITIONAL REAL AND PERSONAL
ESTATE.

Chap. 227

Be it enacted, etc., as follows:

SECTION 1. The trustees of the Sigma Phi Society of Williams College, incorporated by chapter one hundred and thirty-five of the acts of eighteen hundred and seventy-three, may for the purposes authorized by its charter hold real and personal estate to an amount not exceeding sixty thousand dollars, which shall not be exempt from taxation.

May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1884.

Chap. 228 AN ACT MAKING APPROPRIATIONS FOR THE COMPLETION OF THE
DOUBLE TRACKING OF THE TROY AND GREENFIELD RAILROAD.

Be it enacted, etc., as follows :

Double tracking
of the Troy and
Greenfield Rail-
road.

SECTION 1. The sum of sixty-six thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth, and expended under the direction of the governor and council in completing the double tracking of the Troy and Greenfield Railroad.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1884.

Chap. 229 AN ACT RELATING TO THE TRANSFER OF STOCK IN CORPORATIONS.

Be it enacted, etc., as follows :

Transfer of
stock in corpo-
rations.

The delivery of a stock certificate of a corporation to a *bona fide* purchaser or pledgee, for value, together with a written transfer of the same, or a written power of attorney to sell, assign and transfer the same, signed by the owner of the certificate, shall be a sufficient delivery to transfer the title as against all parties ; but no such transfer shall affect the right of the corporation to pay any dividend due upon the stock, or to treat the holder of record as the holder in fact, until such transfer is recorded upon the books of the corporation, or a new certificate is issued to the person to whom it has been so transferred.

Approved May 9, 1884.

Chap. 230 AN ACT CONCERNING THE VOLUNTEER MILITIA.

Be it enacted, etc., as follows :

Volunteer mili-
tia.

SECTION 1. In time of peace the volunteer militia shall consist of not more than sixty companies of infantry, three companies of cavalry, three batteries of light artillery of four guns each, two corps of cadets and two signal corps.

Two brigades.

SECTION 2. The commander-in-chief shall arrange the artillery, infantry and cavalry into regiments, battalions and, when necessary, unattached companies, and not more than two brigades. There shall be not more than six regiments of infantry, one regiment or more of which at the discretion of the governor shall be trained, instructed and exercised in the manual and drill of heavy artillery.

Six regiments of
infantry.

Brigadier-gen-
eral and com-
missioned staff
officers.

SECTION 3. To each brigade there shall be one brigadier-general, whose staff shall consist of one assistant adjutant-general, one medical director, each with the rank

of lieutenant-colonel; one assistant inspector-general, with rank of major, who shall be paymaster and mustering officer for unattached companies of such brigade; one brigade quartermaster, one engineer, one judge-advocate, one provost marshal and two aids-de-camp, each with the rank of captain. There shall also be allowed to each brigade the following non-commissioned staff officers; viz., one brigade sergeant-major, one brigade quartermaster-sergeant, one brigade hospital steward, one brigade provost-sergeant, one brigade bugler, one brigade color-bearer and two brigade sergeant clerks, and a signal corps to consist of one first lieutenant, one first sergeant, four sergeants and twenty privates. The first lieutenant shall be appointed and the men enlisted, mustered, and non-commissioned officers warranted by brigade commanders.

Non-commissioned staff officers.

SECTION 4. The commander of a regiment, separate battalion, corps of cadets or unattached company, may employ or raise by enlistment a band of musicians, not to exceed twenty-four in number, to be under his direction and command. Such musicians while on duty shall be subject to all the laws and regulations for the government of the militia, except that they need not be mustered in as prescribed for enlisted men.

Band of musicians not to exceed twenty-four in number.

SECTION 5. The following officers and soldiers, and none other, are entitled to be mounted; every general, field and staff officer, every officer of cavalry, artillery and signal corps, every brigade, cavalry and artillery non-commissioned staff officer, every enlisted man of cavalry, and the sergeants, the guidon corporal and buglers of light artillery; one horse only shall be allowed to each of the above mentioned officers and soldiers; and there shall be allowed thirty-two draught horses to each battery of light artillery of four guns; to each battery of light artillery of more than four guns there shall be allowed for each additional gun eight draught horses. No horses shall be allowed for members of bands except by special orders of the commander-in-chief.

Mounted officers and men.

SECTION 6. All staff officers of the militia shall be appointed as hereinafter provided, and commissioned by the commander-in-chief, on the request of the several appointing officers, provided that such appointees be eligible, and no judge-advocate shall be commissioned unless he be a justice of the peace and a member of the Massachusetts bar. The staff of the commander-in-chief shall

Appointment, etc., of staff officers.

be appointed by him ; the staff of a brigade, by the brigadier-general commanding ; the staff of a regiment, separate battalion, corps of cadets or unattached company, by the permanent commander thereof.

Recruiting officers.

SECTION 7. Captains shall be the recruiting officers for their companies, and in case of vacancy the commanding officers of regiments or battalions may order some officer to perform that duty until such vacancy is filled. The commanding officers of brigades, regiments and separate battalions shall be the recruiting officers for their respective non-commissioned staffs, the commanding officers of corps of cadets for their respective corps, and such persons as the commander-in-chief may appoint for new companies under section twenty-four until a captain shall have been elected or appointed to such company.

Officers to appear before an examining board.

SECTION 8. Every commissioned officer except the staff officers of the commander-in-chief, medical officers and chaplains shall, upon being notified as provided in section forty-three, appear before an examining board to consist of the judge-advocate-general and two other officers to be designated by the commander-in-chief. The board shall examine the said officer as to his military and general qualifications, and administer to him the oaths as prescribed in section fifty-five of chapter fourteen of the Public Statutes. If in their opinion such officer is competent, the fact shall be certified to the commander-in-chief, who shall issue his order announcing the result of such examination. Medical officers shall appear before an examining board to consist of three medical officers, which board shall certify to the competency of such officer and administer the oath as prescribed for other commissioned officers. Any officer who fails to appear before the board of examiners within sixty days from the date of his election or appointment, or who fails to pass a satisfactory examination before said board, shall be forthwith discharged by the commander-in-chief.

Medical officers to appear before an examining board.

Officer failing to pass examination to be discharged.

SECTION 9. An officer who fails to pass the board of examiners or fails to appear before said board, as provided in section eight of this act, and any officer who may at any time be ordered before said board of examiners and who fails to pass, shall be discharged by the commander-in-chief.

Discharge of enlisted men.

SECTION 10. No enlisted man shall be discharged before the expiration of his term of service, except by order

of the commander-in-chief, and for the following reasons :—

To accept promotion by commission ;

Upon removal of residence from the state, or out of the bounds of the command to which he belongs to so great a distance that, in the opinion of his commanding officer, he cannot properly perform his military duty ;

Upon disability, established by certificate of a medical officer ;

Upon conviction of felony in a civil court ;

When the commander-in-chief approves the application of two-thirds of the members of a company requesting the discharge of a soldier thereof for being habitually troublesome, or of such character as to degrade the company ;

When in the opinion of the commander-in-chief the interests of the service demand such discharge ;

Upon his own application approved by the commanding officer of his company and by superior commanders ;

To carry out the sentence of a court-martial ;

Upon application of his company commander approved by superior commanders.

SECTION 11. Every officer, non-commissioned officer and soldier shall return immediately to the armory, or other place of deposit, each article of military property of the Commonwealth issued to and received by him for use in the military service, and the possession of any article of such property by the person to whom it was issued, elsewhere than in the armory or designated place of deposit, shall be deemed and taken to be *prima facie* evidence of embezzlement of such article of property by the person to whom it was issued.

Military property to be returned to armory.

SECTION 12. Each regiment, separate battalion, corps of cadets and unattached company of the volunteer militia shall parade for drill one day in the months of May, June, September or October at such time and place as the commander-in-chief may designate. The inspector-general, his assistants or such other officers as the commander-in-chief shall indicate, shall attend such drills and report upon the proficiency of the troops, such report to be made to the commander-in-chief in writing within thirty days from the date of such drill.

Parades for drill.

Inspector-general to attend drills and make report.

SECTION 13. The volunteer militia shall perform five consecutive days of camp duty in each year, and unless the commander-in-chief prescribes the time, place and

Camp duty.

manner of assembling the troops for that purpose, each commander of brigade or corps of cadets shall annually order an encampment of his command by brigade, regiments or battalions at some time during the months of June, July, August, September or October.

Troops to be reviewed and exercised.

Inspector-general to be present and make report.

SECTION 14. At each encampment the troops shall be reviewed and shall be thoroughly exercised in the routine of camp duty. The inspector-general, and such assistants as may be detailed, shall be present at these encampments, and the inspector-general shall report in regard to numbers, discipline and other matters affecting the character or efficiency of the organizations; such reports to be forwarded to the commander-in-chief within thirty days from date of encampment.

No body of men other than militia, etc., shall associate themselves together as a military organization.

SECTION 15. No body of men whatsoever other than the regularly organized corps of the militia, the troops of the United States, the Ancient and Honorable Artillery Company, the Veteran Artillery Association of Newburyport, the Veteran Cadet Association of Salem, the Veteran Association of the Independent Corps of Cadets of Boston, and the Salem Light Infantry Veteran Association, the Veteran Artillery Association of Amesbury and Salisbury, shall associate themselves together as a military company or organization; or parade in public with arms in any city or town in this Commonwealth, without the license of the governor thereof, which may at any time be revoked; and all applications for such license must be approved by the mayor and aldermen and selectmen of cities and towns in which such organizations or associations may be located; nor shall any city or town raise or appropriate any money toward arming, equipping, uniforming or in any way supporting, sustaining or providing drill rooms or armories for any such body of men: *provided*, that associations wholly composed of soldiers honorably discharged from the service of the United States may parade in public with arms upon the reception of any regiments or companies of soldiers returning from said service, and for the purpose of escort duty at the burial of deceased soldiers, having first obtained the written permission so to do of the mayor and aldermen or selectmen of the cities or towns in which they desire to parade; and *provided further*, that students in educational institutions where military science is a prescribed part of the course of instruction may, with the consent of the governor, drill and parade with arms in

Or parade in public with arms without license of the governor.

Provisos.

public under the superintendence of their teachers, and *provided further*, that this section shall not be construed Proviso. to prevent any organization heretofore authorized thereto by law from parading with side arms.

SECTION 16. When regiments, battalions, corps of Fines for non-performance of duty. cadets or companies establish in their constitutional articles of agreement or by-laws the amounts which may be collected as fines from officers and soldiers of the volunteer militia for the non-performance of duty, such fines shall not exceed the amounts named as follows :—

For each day's absence from camp or from drill in May, June, September or October, five dollars ;

For each day's absence from special duty when ordered by the commander-in-chief or from any parade ordered by the commanding officer of a regiment, battalion, corps of cadets or unattached company, three dollars ;

For each absence from company or battalion drill, or meeting of officers or non-commissioned officers ordered for the purpose of instruction, or from an election, one dollar.

Money charged to an officer or soldier of the volunteer militia under the provisions of chapter fourteen of the Public Statutes and the by-laws of the organization of which he is or may have been a member, shall constitute Money charged to an officer, etc., to be a simple contract debt. a simple contract debt against him, and may be recovered upon suit brought in the name of the officer commanding such organization at the time of bringing the action, and prosecuted in accordance with the law of this Commonwealth for the recovery of such debts in any court of competent jurisdiction ; want of consideration or the fact that the defendant is or was a member of the same organization as the plaintiff shall not be defences in such suit, and the prevailing party shall have his costs without regard to the amount recovered. This remedy shall be in addition to those named in section one hundred and forty of chapter fourteen of the Public Statutes.

SECTION 17. Sections twenty-two, twenty-three, Repeal. twenty-five, thirty, thirty-one, thirty-five, fifty-four, fifty-nine, sixty-five, sixty-nine, seventy-eight, one hundred and eight, one hundred and nine, one hundred and eleven, one hundred and twenty-seven and one hundred and fifty of chapter fourteen of the Public Statutes are hereby repealed.

SECTION 18. This act shall take effect upon its passage.

Approved May 12, 1884.

Chap.231 AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE DISTRICT COURT OF SOUTHERN BERKSHIRE, AND TO ABOLISH THE OFFICE OF CLERK OF SAID COURT.

Be it enacted, etc., as follows :

Salary of justice.

SECTION 1. The justice of the district court of Southern Berkshire from and after the first day of May in the year eighteen hundred eighty-four shall receive an annual salary of twelve hundred dollars.

Office of clerk abolished.

SECTION 2. The office of clerk of the district court of Southern Berkshire is abolished.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1884.

Chap.232 AN ACT CONCERNING CONTAGIOUS DISEASES AMONG CATTLE.

Be it enacted, etc., as follows :

Cattle commissioners to investigate concerning a disease among cattle.

SECTION 1. It shall be the duty of the cattle commissioners to make inquiries and gather facts and statistics in relation to the prevalence among the neat stock of this state, of the disease known as abortion, the annual losses caused thereby, and its effect on the healthfulness of milk as an article of food.

May make experiments, etc.

SECTION 2. To ascertain the real character of the disease, its cause, and the best methods of its cure or prevention, the commissioners may make or cause to be made experiments, investigations and examinations, and for this purpose shall have and exercise all the powers conferred upon them in cases of contagious disease by the provisions of section fourteen of chapter ninety of the Public Statutes.

May kill animal infected.

SECTION 3. The commissioners for the purpose of aiding them in their investigations may kill any animal affected with said disease, and such animal shall be paid for as provided in section seventeen of chapter ninety of the Public Statutes. Said commissioners shall make a detailed statement in their annual report of their doings under the provisions of this act.

Allowance for expenses.

SECTION 4. There shall be allowed and paid out of the treasury a sum not exceeding two thousand dollars, to be expended as may be necessary in carrying out the provisions of this act.

SECTION 5. This act shall take effect upon its passage.

Approved May 13, 1884.

AN ACT TO REMEDY DEFECTS IN THE CORPORATE ORGANIZATION
OF THE GERMAN REFORMED CHURCH SOCIETY, AND TO CONFIRM
A DEED OF MORTGAGE.

Chap. 233

Be it enacted, etc., as follows:

SECTION 1. Louis B. Schwarz, John C. Lotz, John C. Kochendorfer, Jerome Schneider, Frederick W. Luchterhand, Emanuel Fischer, John F. Werner, Martin Trautmann, Frederick Stursberg, their associates and successors, are hereby declared to be the incorporators of the German Reformed Church Society under chapter twenty of the acts of the year eighteen hundred and forty-two entitled "An Act to incorporate the German United Evangelical Lutheran and Reformed Society," and chapter two hundred and fifty-eight of the acts of the year eighteen hundred and seventy-two entitled "An Act to change the name of the German United Evangelical Lutheran and Reformed Society, and to allow said society to hold real and personal estate," and all acts in addition thereto or in amendment thereof.

German Reformed Church Society, organization confirmed.

SECTION 2. The deed of mortgage executed by Louis B. Schwarz to the Home Savings Bank, dated the nineteenth day of June in the year eighteen hundred and seventy-one, and recorded in the Suffolk county registry of deeds, libro ten hundred and sixty, folio two hundred and sixty-two, is hereby confirmed and made valid in all respects, and no person claiming thereunder shall be affected by any trust by reason of said Schwarz having at the date of said mortgage held the real estate therein described or any part thereof, in trust for said German Reformed Church Society or any other society or organization.

Deed of mortgage confirmed.

SECTION 3. This act shall take effect when a certificate, signed by five of the incorporators of said German Reformed Church Society that this act has been accepted by said society, has been acknowledged by one of the signers of such certificate and recorded in said registry of deeds.

When to take effect.

Approved May 13, 1884.

AN ACT CONCERNING ASYLUMS FOR THE CHRONIC INSANE.

Chap. 234

Be it enacted, etc., as follows:

SECTION 1. Any city having more than fifty thousand inhabitants may establish and maintain therein one or more asylums for the care and treatment of the chronic

Asylums for the chronic insane may be established by cities of more than

50,000 inhabitants.

insane of such city and of any other city or town, and may enact suitable ordinances concerning the maintenance, management and government of such asylums, subject to the provisions of this act. Every such asylum shall be under the care of proper medical officers having experience in the care of the insane.

Provisions of P. S. 87, § 26, to apply.

SECTION 2. The provisions of section twenty-six of chapter eighty-seven of the Public Statutes shall apply to all asylums established under this act, and any such asylum may receive insane persons committed according to the provisions of said chapter by any court named in section eleven thereof; but no insane person whose insanity has existed for a less period than six months shall be committed to said asylums nor retained therein except as above provided.

To be inspected by board of health, lunacy and charity, who may remove or transfer inmates.

SECTION 3. The state board of health, lunacy and charity shall by themselves or their agent visit and inspect every asylum established under this act, at least once in every six months, and shall have power to remove or transfer the inmates thereof in the same manner as they now remove and transfer the inmates of other hospitals or asylums for the insane in this Commonwealth, and may transfer and admit to said asylums patients supported by cities and towns in the state hospitals or elsewhere: *provided*, that the managers of any asylum established under this act may discharge any inmate when in their judgment it is expedient to do so.

Managers may discharge inmates.

SECTION 4. This act shall take effect upon its passage.

Approved May 13, 1884.

Chap. 235 AN ACT TO PREVENT DISCRIMINATION BY LIFE INSURANCE COMPANIES AGAINST PERSONS OF COLOR.

Be it enacted, etc., as follows:

No discrimination to be made in rates, etc., between white persons and persons of color.

SECTION 1. No life insurance company organized or doing business within this Commonwealth shall make any distinction or discrimination between white persons and colored persons wholly or partially of African descent, as to the premiums or rates charged for policies upon the lives of such persons; nor shall any such company demand or require greater premiums from such colored persons than are at that time required by such company from white persons of the same age, sex, general condition of health and hope of longevity; nor shall any such company make or require any rebate, diminution or discount

upon the sum to be paid on such policy in case of the death of such colored person insured, nor insert in the policy any condition, nor make any stipulation, whereby such person insured shall bind himself or his heirs, executors, administrators and assigns to accept any sum less than the full value or amount of such policy in case of a claim accruing thereon by reason of the death of such person insured, other than such as are imposed upon white persons in similar cases; and any such stipulation or condition so made or inserted shall be void.

SECTION 2. Any such company which shall refuse the application of any such colored person for insurance upon such person's life, shall furnish such person with the certificate of some regular examining physician of such company who has made examination of such person stating that such person's application has been refused not because such person is a person of color, but solely upon such grounds of the general health and hope of longevity of such person as would be applicable to white persons of the same age and sex.

Certificate to be given by examining physician, when application for insurance is refused.

SECTION 3. Any corporation or the officer or agent of any corporation violating any of the provisions of this act, either by demanding or receiving from such colored person such different or greater premium, or by allowing any discount or rebate upon the premiums paid or to be paid by white persons of the same age, sex, general condition of health and hope of longevity, or by making or requiring any rebate, diminution or discount upon the sum to be paid upon a policy in case of the death of such colored person insured, or by failing to furnish the certificate required by section second, shall for each offence forfeit a sum not exceeding one hundred dollars.

Penalty

Approved May 13, 1884.

AN ACT TO PROVIDE FOR COMPOSITION WITH CREDITORS IN
INSOLVENCY.

Chap. 236

Be it enacted, etc., as follows:

SECTION 1. Instead of proceeding as required by existing laws relating to insolvency, an insolvent debtor may proceed for a discharge from his debts in the manner and on the terms and conditions herein prescribed.

Composition in insolvency.

SECTION 2. At any time after the filing of the petition by or against the debtor, and the schedules required by law, which schedules shall include the name and full post

After petition is filed by or against the debtor, written proposal for

composition
may be filed.

office address of every known creditor and a brief description of all the debts, the debtor may file a written proposal for composition with his creditors, setting forth the amount of the proposed dividend, which shall be payable only in money, the time or times when the same shall be payable, and the security to be given for such payments so far as deferred. No such proposal shall be considered unless it conforms to these requirements, nor unless it provides for payment in full of all debts and charges entitled by law to priority.

Proceedings
may be stayed
by the court,
and hearing
ordered.

SECTION 3. If the allegations of the debtor's petition appear to be true, or if a warrant has been issued thereon, the court, upon filing of the proposal for composition, may stay or suspend any process or proceeding which would otherwise be required by law, and may make such orders relating thereto, or to the custody of the debtor's estate, as justice and the interests of the creditors may require; and shall order a hearing on such proposal as early as may be, of which the register shall send notice by mail post paid to all known creditors not less than seven days before the day appointed therefor, stating the substance of the proposal.

Accounts and
papers of debtor
to be open to
examination by
creditors.

SECTION 4. All books of account and papers of the debtor relating to his estate shall until the final hearing on confirmation of the composition be open at all reasonable times to examination by any creditor or his agent, and the court may enforce production thereof; and during such period the debtor or any other person may be examined by the court or by any creditor in the manner and under the circumstances prescribed by section seventy of chapter one hundred fifty-seven of the Public Statutes.

Examination of
debtor, etc.

Provisions of
P. S. 157, §§ 26-
31 and §§ 33-39.

SECTION 5. The provisions of sections twenty-six to thirty-one inclusive, and sections thirty-three to thirty-nine inclusive, of said chapter, concerning debts and proof of claims, shall apply to and be of force in composition proceedings so far as they can be applied thereto; and in such proceedings, if no warrant has issued in the case, reference shall be had to the time of the issue of notice of the proposal instead of the first publication of notice of issuing the warrant, and to the time of the adjourned hearing on confirmation of the composition instead of the making of the first dividend. But no assent, power of attorney or proxy, executed before the first hearing, shall be valid or of any force in the composition proceedings,

nor shall the proceedings be stayed or suspended on account of an appeal from the allowance or rejection of a claim.

SECTION 6. The debtor shall be present at the hearing and may then be examined by the court or by any creditor touching his estate or his dealings therein, and all pertinent evidence may be offered. At any time before the hearing is closed the debtor may file any modification of his proposal more favorable to the creditors but not otherwise, and such modified proposal shall thereafter be considered the proposal.

Debtor to be present at the hearing and may be examined.

SECTION 7. The hearing shall then be adjourned not less than seven days and notice thereof sent to all creditors as before provided; and if at or before such adjournment the debtor shall file in court the written assent of a majority in number and value of all his known creditors to the proposal, if the same be for payment of not less than fifty per centum to the general creditors, or if less than fifty per centum, of three-fourths in number and value of such creditors, the court shall proceed at the hearing, or at a farther adjournment thereof, to determine whether the composition shall be confirmed, and any creditor may be heard thereon. Any matters which would prevent or avoid a discharge in insolvency by existing laws may be considered in ascertaining the expediency of confirming the same, but not as an absolute bar thereto. If the only objection thereto relates to the security for deferred payments, other or farther security may then be offered.

Hearing to be adjourned.

Written assent of creditors to be filed by the debtor.

SECTION 8. In computing the proportion of creditors whose assent is necessary, all debts set out in the debtor's schedule of creditors shall be taken as existing for the amounts and to the extent that they would be provable in insolvency, except so far as varied by the proof thereof or on hearing; but the assent of no creditor shall be counted unless and until he has proved his claim. Claims which remain unliquidated at the close of the adjourned hearing shall not be counted unless justice is found to require it. No claim entitled to priority shall be counted, nor shall any creditor whose claim is less than fifty dollars in amount be counted in number.

Computation of proportion of creditors whose assent is necessary to discharge.

SECTION 9. If the composition appears to have been duly assented to, and to be consistent with justice and for the interests of the creditors, the court shall order the same to be confirmed; and by the same order shall limit

If composition is assented to, court shall order it to be confirmed.

the time within which all moneys for cash payments and all vouchers and securities for deferred payments shall be deposited in court; and upon such deposit within the time so limited therefor, the court shall grant to the debtor a certificate of discharge from his debts, which shall be as nearly as may be in the same form and which shall have the same force and effect as though obtained by the other proceedings in insolvency prescribed by existing laws: *provided, however*, that the same shall not be annulled for any cause which was brought to the notice of the court on the hearing for confirmation, or which was then known to the creditor applying to have the same annulled; and *provided further*, that the same shall not bar the debt of any creditor whose name was fraudulently and wilfully omitted from the debtor's schedule of creditors. But the debt of any creditor omitted therefrom only through mistake, or want of knowledge, shall be barred, and he shall be entitled to and may recover against the debtor the amount of the dividend to which he would have been entitled in the composition proceedings.

Provisos.

Disposition of property, upon discharge granted.

SECTION 10. Upon the granting of the discharge, the moneys, vouchers and securities deposited in court shall be paid and delivered by the register on demand to the persons entitled thereto, and all other property of the debtor shall revert to and be revested in him; and the court may order any necessary or proper release or recouveyance thereof by any assignee or trustee to whom the same may have been assigned or conveyed.

Case to proceed in insolvency if money and securities are not deposited in court.

Money, etc., the property of the debtor to be delivered to assignee.

All other securities, etc., to be disposed of as justice may require.

SECTION 11. If the money for the cash payments and the vouchers and securities for deferred payments are not deposited in court within the time limited by the order of confirmation, the case shall proceed in insolvency; and in such event the register shall deliver to the assignee all moneys and securities which are the property of the debtor which shall have been deposited in court; and all other securities and vouchers which shall have been so deposited shall be returned by the register to the persons who furnished or deposited the same or be otherwise disposed of as justice may require. In such case the stay or suspension of other proceedings by reason of the attempted composition shall not work any forfeiture or affect any rights, but the period of suspension shall be excluded in computing other periods of time prescribed by the laws relating to insolvency.

SECTION 12. The court, except as herein otherwise expressly provided, may allow all just and proper amendments and make all proper orders, in the course of the proceedings or thereafter, necessary to carry the same into full effect according to the terms and intent of this act, and may enforce all such orders, summarily or otherwise as justice may require, by any appropriate process.

Court may allow amendments and make all proper orders.

SECTION 13. If an insolvent debtor shall knowingly place upon his schedule of creditors any false or fictitious debt with intent to deceive or defraud his creditors, or in case of any person having to his knowledge proved or attempted to prove a false or fictitious debt against his estate, shall fail to disclose the same to the court forthwith upon notice or knowledge thereof, or shall make any payment or give or promise any advantage to any creditor with intent thereby to procure his assent to a composition, he shall be punished by imprisonment in the state prison not exceeding five years or in the jail not exceeding two years.

Penalty on insolvent debtor for placing fictitious debt upon schedule, etc.

SECTION 14. If any creditor of an insolvent debtor shall knowingly prove any false or fictitious debt against his estate, or shall receive or procure or attempt to procure any payment or advantage in consideration of his assent to a composition, he shall be punished by imprisonment in the jail not exceeding two years or by fine not exceeding one thousand dollars.

Penalty on creditor for proving fictitious debt.

SECTION 15. This act shall not apply to corporations.

Not to apply to corporations.

SECTION 16. This act shall take effect upon its passage.

Approved May 13, 1884.

AN ACT IN RELATION TO ASSESSMENTS FOR PUBLIC IMPROVEMENTS. *Chap. 237* *Be it enacted, etc., as follows:*

SECTION 1. All assessments on account of betterments and other public improvements which are a lien upon real estate shall bear interest from the thirtieth day after assessment, until paid.

Assessments to bear interest.

SECTION 2. In case of any suit or other proceeding calling in question the validity or amount of such assessment, the assessment shall continue to be a lien for one year after final judgment in such suit or proceeding, and may, with all costs and interest, be collected by virtue of such lien in the same manner as provided for the original assessment.

In case of suit, a lien to continue for one year after final judgment.

SECTION 3. This act shall take effect upon its passage.

Approved May 15, 1884.

Chap.238 AN ACT TO PROVIDE FOR THE DISSOLUTION OF THE CORPORATION KNOWN AS THE INHABITANTS OF THE FIRST PARISH IN TOWNSEND, AND FOR THE DISPOSITION OF ITS PROPERTY.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. Jonathan Pierce, George S. Shaw, Albert Turner, Sarah Farmer, Joshua Spaulding, Harriet J. Reed, Amanda M. Emery and Frances R. Taylor may associate and become a corporation, in the manner prescribed by general laws relating to religious societies, under the name of the First Parish Religious Society of Townsend ; and upon the organization of such corporation and its acceptance of this act, which acceptance shall be certified to the secretary of the Commonwealth, the corporation known as the Inhabitants of the First Parish in Townsend shall be dissolved and all rights, privileges and property heretofore vested in said corporation shall vest in such new corporation notwithstanding the same might otherwise escheat to the Commonwealth.

Name.

Inhabitants of the First Parish in Townsend dissolved upon organization of new corporation.

Person aggrieved may apply to superior court for assessment of damages.

SECTION 2. Any person claiming to be aggrieved by the provisions of this act may, at any time within one year after its acceptance is so certified, apply by petition to the superior court for the county of Middlesex for assessment of his damages, and the same shall be assessed and determined by and under the direction of said court and shall be paid by said First Parish Religious Society of Townsend which shall have notice of the pendency of such petition and may defend the same.

SECTION 3. This act shall take effect upon its passage.

Approved May 15, 1884.

Chap.239 AN ACT TO CHANGE THE NAME OF THE SOUTH CHURCH IN DEDHAM, AND TO AUTHORIZE IT TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows :

Name changed to the First Congregational Church in Norwood.

SECTION 1. The name of the South Church in Dedham, incorporated by chapter one of the acts of the year eighteen hundred and twenty-four, is changed to the First Congregational Church in Norwood.

Real and personal estate.

SECTION 2. Said corporation may hold property, real and personal, to the amount of twenty-five thousand dollars for the purposes named in its act of incorporation.

SECTION 3. This act shall take effect upon its passage.

Approved May 15, 1884.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR
EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER
PURPOSES. *Chap. 240*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.
propriated, to be paid out of the treasury of the Common-
wealth, from the ordinary revenue, for the purposes speci-
fied in certain acts and resolves of the present year, and
for other purposes, to wit :—

For the trustees of the state lunatic hospital at Taunton, Lunatic hospital
ten thousand two hundred and thirty dollars, as author- at Taunton.
ized by chapter nineteen of the resolves of the present
year.

For the trustees of the Mount Holyoke female seminary, Mt. Holyoke
four hundred and fifty dollars and five cents, as authorized female semi-
by chapter twenty of the resolves of the present year. nary.

For the erection of monuments on the battlefield at Monuments on
Gettysburg, Pennsylvania, by certain organizations, a battlefield at
sum not exceeding twelve thousand five hundred dollars, Gettysburg, Pa.
as authorized by chapter twenty-four of the resolves of
the present year.

For Artemas Raymond, two hundred dollars, as author- Artemas Ray-
ized by chapter twenty-five of the resolves of the present mond.
year.

For Maria H. Sargent, three hundred dollars, as author- Maria H. Sar-
ized by chapter twenty-six of the resolves of the present gent.
year.

For the town of Holden, thirty-four dollars, as author- Town of
ized by chapter twenty-seven of the resolves of the present Holden.
year.

For the disabled soldiers' employment bureau, eight Disabled
hundred dollars, as authorized by chapter twenty-eight of soldiers' em-
the resolves of the present year. ployment
bureau.

For the completion of the new buildings at the state State work-
workhouse at Bridgewater, a sum not exceeding thirty- house.
five thousand dollars, as authorized by chapter thirty of
the resolves of the present year.

For the expenses of the delegates to the educational Delegates to
convention at Louisville, Kentucky, in September eight- educational
teen hundred and eighty-three, three hundred and seventy- convention.
five dollars, as authorized by chapter thirty-two of the
resolves of the present year.

For certain repairs at the state normal school at Salem, Normal school
at Salem.

eight hundred dollars, as authorized by chapter thirty-three of the resolves of the present year.

State almshouse

For the state almshouse at Tewksbury, four thousand dollars, as authorized by chapter thirty-four of the resolves of the present year.

Jane Parks.

For Jane Parks, two hundred dollars, as authorized by chapter thirty-five of the resolves of the present year.

Francis Shurtleff.

For Francis Shurtleff, two hundred and seventy dollars and thirteen cents, as authorized by chapter thirty-six of the resolves of the present year.

Agnes S. Goulding.

For Agnes S. Goulding, two hundred and six dollars and twenty-five cents, as authorized by chapter thirty-seven of the resolves of the present year.

Normal school at Bridgewater.

For the state normal school at Bridgewater, one thousand dollars, as authorized by chapter thirty-eight of the resolves of the present year.

Normal school at Framingham.

For the state normal school at Framingham, seven hundred and seventy-five dollars, as authorized by chapter thirty-nine of the resolves of the present year.

Rhode Island boundary line.

For the payment of the expenses attending the establishing of a portion of the boundary line between the Commonwealth of Massachusetts and the State of Rhode Island, four thousand six hundred and thirty-three dollars and ninety-two cents, as authorized by chapter forty of the resolves of the present year.

Salary of the secretary of the Commonwealth.

For the salary of the secretary of the Commonwealth, five hundred dollars, as authorized by chapter seventy-nine of the acts of the present year, being in addition to the two thousand five hundred dollars appropriated by chapter three of the acts of the present year.

Electoral college.

For compensation and expenses of the electoral college, five hundred dollars.

Books for record of cases of contagious diseases.

For furnishing boards of health with blank books for the record of cases of contagious diseases, as provided for in section four of chapter ninety-eight of the acts of the present year, a sum not exceeding five hundred dollars.

Treasurer, for clerical assistance.

For additional clerical assistance in the department of the treasurer and receiver-general, a sum not exceeding eight hundred dollars, the same to be in addition to two hundred dollars appropriated by chapter three of the acts of the present year.

Senate and house of representatives.
State house.

For the contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, one thousand dollars, the same to be in addi-

tion to the five thousand dollars appropriated by chapter two of the acts of the present year.

For travelling expenses of the executive council, a sum not exceeding five hundred dollars, the same to be in addition to five hundred dollars appropriated by chapter three of the acts of the present year.

Council : travelling expenses.

For furnishing additional apparatus for the inspectors of gas-meters, a sum not exceeding one hundred and fifty dollars, the same to be in addition to two hundred dollars appropriated by chapter thirty-nine of the acts of the present year.

Inspectors of gas-meters.

For small items of expenditure for which no appropriations have been made, or for which appropriations have been exhausted or reverted to the treasury in previous years, a sum not exceeding one thousand dollars.

Small items of expenditure.

For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars, the same to be in addition to the five thousand dollars appropriated by chapter two of the acts of the present year.

Expenses of committees.

For compensation of the doorkeepers, messengers and pages to the senate and house of representatives, a sum not exceeding ten thousand dollars, the same to be in addition to the ten thousand dollars appropriated by chapter two of the acts of the present year.

Doorkeepers, messengers and pages.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1884.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO PROVIDE A NEW JAIL AT SALEM.

Chap. 241

Be it enacted, etc., as follows :

SECTION 1. The county commissioners of the county of Essex are authorized and required to re-build the jail at Salem, or to build a new jail in said city, and for said purpose may borrow on the credit of the county a sum not exceeding seventy-five thousand dollars.

New jail at Salem.

SECTION 2. They may sell, convey or remove the whole or any portion of the present jail and jailer's house, or use the materials thereof in the new structure, and they may employ the prisoners held in said jail.

Present jail may be sold or removed.

SECTION 3. If said commissioners decide it to be for the public interest that a new jail should be built upon some new site, they may for such purpose take any land,

Commissioners may take land if they decide to build upon a new site.

not appropriated for public uses, within said city, and within sixty days after such taking file in the registry of deeds of Essex county for the southern district such a description of the land so taken as is required in a common conveyance, and a statement of the purpose for which it was taken, signed by said commissioners or a major part of them; and the title to such land shall vest in the county of Essex from the time of such filing. All damages sustained by such taking shall be paid by the county; and if said commissioners fail to agree upon such damages with the owner, the same may be assessed and determined by a jury in the manner and on the conditions provided by law in the case of laying out town ways, upon application therefor made within three years after such filing.

Damages to be paid by the county.

Labor not required to be let out by contract.

SECTION 4. In carrying out the provisions of this act, said commissioners shall not be required to let out by contract the labor on said building, nor to advertise for proposals therefor, as provided in section twenty-two of chapter twenty-two of the Public Statutes.

SECTION 5. This act shall take effect upon its passage.

Approved May 16, 1884.

Chap. 242 AN ACT CONCERNING SALES OF LAND BY CITIES AND TOWNS FOR TAXES.

Be it enacted, etc., as follows:

Sale to be made by the collector of taxes.

SECTION 1. Whenever real estate is sold by a city or town under the provisions of section fifty-eight of chapter twelve of the Public Statutes, such sale shall be made by the collector of taxes for the time being of such city or town. In case no person appears and bids at such sale for the whole or any part of the land or for the rents and profits thereof an amount equal to the sum named in the collector's deed or instrument of taking as the sum due when the original sale or taking of the land was made, with interest and charges thereon fixed by law, and also all subsequent taxes and assessments and all interest and charges due in respect thereof, the collector may purchase said land for and in behalf of the city or town selling the same in the same manner and upon the same terms and conditions as are prescribed in section forty of chapter twelve of the Public Statutes.

Collector may purchase land if no sufficient bid is made.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1884.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY TO ERECT A NEW JAIL AND HOUSE OF CORRECTION. *Chap. 243*

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Hampden county are authorized and required to erect a new jail and house of correction in Springfield, the same to be completed within two and one-half years from the passage of this act.

County commissioners may build new jail, etc., in Springfield.

SECTION 2. The said commissioners are authorized to sell the whole or any portion of the buildings or land now used as a jail and house of correction by said county and to appropriate the proceeds towards the erection of a new one, also to purchase or take lands necessary for that purpose; they shall estimate and determine all damages that may be sustained by any party or parties by the taking of such land for the purposes of this act, but any party aggrieved by any such determination of said commissioners may have their damages assessed by a jury of the superior court in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways. If upon trial damages are increased beyond the award, the party in whose favor the award was made shall recover costs, otherwise shall pay costs, and such costs shall be taxed as in civil cases.

May sell land and buildings now used.

To estimate and determine all damages.

SECTION 3. The said commissioners shall, within sixty days after such taking of land, file for record in the registry of deeds for said county, a description of the land so taken, and the title to the same shall thereupon vest in in said county.

To file in registry of deeds a description of the land taken.

SECTION 4. The plans and specifications for the building of said jail and house of correction shall be subject to the approval of the commissioners of prisons of this Commonwealth. Unless the commissioners of said county shall procure the approval of the commissioners of prisons to plans and specifications for said jail and house of correction within six months from the passage of this act, the commissioners of prisons may at the expense of the county of Hampden procure plans and specifications therefor according to which said jail and house of correction shall be built under the provisions of this act.

Plans and specifications subject to approval of prison commissioners.

SECTION 5. The said county commissioners are authorized to borrow on the credit of the county for the pur-

County may borrow \$200,000.

poses of this act, a sum not exceeding two hundred thousand dollars.

SECTION 6. This act shall take effect upon its passage.

Approved May 16, 1884.

Chap. 244

AN ACT TO SUPPLY THE TOWN OF ABINGTON WITH WATER.

Be it enacted, etc, as follows:

Water supply
for Abington.

SECTION 1. The town of Abington may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants; re-locate or discontinue the same; may regulate the use of such water; and establish and collect rates to be paid for the use of the same.

May take the
water of Beaver
Brook, Cleverly
Brook or Island
Pond.

SECTION 2. Said town for the purposes aforesaid may take by purchase or otherwise and hold the water of Beaver Brook, Cleverly Brook or Island Pond or from artesian wells in the town of Abington and the water rights connected with any such water sources, and also all lands, rights of way and easements necessary for raising, holding and preserving such water and conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations and procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct and lay down conduits, pipes and other works under, through or over any lands, water courses, railroads or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act said town may dig up, raise and embank any such lands or ways in such a manner as to cause the least hindrance to public travel on such ways.

May make exca-
vations and
operate
machinery.

May dig up,
raise and
embank lands.

To have
recorded in
registry of
deeds a descrip-
tion of the land
taken.

SECTION 3. Said town of Abington shall within ninety days after the taking of any lands, rights of way, water sources, water rights or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county of Plymouth a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken,

signed by the water commissioners hereinafter provided for.

SECTION 4. The said town shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement or by any other thing done by said town under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Liability for damages.

Application for damages not to be made until water is actually withdrawn.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words "Abington Water Loan"; shall be payable at the expiration of periods not exceeding thirty years from the date of the issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose of this act, upon such terms and conditions as it may deem proper. Said town shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Abington Water Loan, not to exceed \$100,000.

Sinking fund to be provided.

SECTION 6. Said town shall raise annually by taxation a sum which with the income derived from the water rates

To raise annually by taxation suffi-

cient for current
expenses and
interest on
bonds.

will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payment on the principal as may be required under the provisions of this act.

Penalty for
diverting or
corrupting
water.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purpose of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Board of water
commissioners
to be elected.

SECTION 8. Said town of Abington shall, after its acceptance of this act at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for a term of three years. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote; and a majority of said board shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal meeting.

Vacancy.

Subject to
acceptance by a
two-thirds vote,
within three
years.

SECTION 9. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any year shall not exceed three.

Approved May 19, 1884.

AN ACT CONCERNING THE FISHERIES IN THE WATERS OF THE COUNTY *Chap.245*
OF DUKES COUNTY.

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter one hundred and two of the acts of the year eighteen hundred and eighty-two is amended to read as follows: — *Section 1.* The lessees holding from the commissioners on inland fisheries a lease of any body of water in the county of Dukes County, and all other persons having the right to take alewives in any other waters in said county, may take alewives from said waters and from the ditches connecting them with each other and with the ocean at all seasons of the year and without restriction as to day. Fisheries regulated.

SECTION 2. Section two of said chapter one hundred and two is amended to read as follows: — *Section 2.* Whoever other than said lessees or any other person duly authorized takes any fish, except eels, from any of said waters or ditches without the permission in writing of said lessees or said person duly authorized first obtained, shall forfeit one dollar for each fish so taken, and shall also forfeit any boat, net, line, rod or other apparatus used in such taking in accordance with the provisions of chapter one hundred and ninety-four of the Public Statutes. Penalties and forfeitures.

SECTION 3. This act shall take effect upon its passage.

Approved May 20, 1884.

AN ACT TO INCORPORATE THE CAMBRIDGE POLICE MUTUAL AID *Chap.246*
ASSOCIATION.

Be it enacted, etc., as follows :

SECTION 1. George H. Copeland, Mark J. Folsom, Thomas H. Lucy, Alonzo S. Harriman, Andrew Sproul, Luther Hapgood, Moses W. Hooper, their associates and successors, all of whom shall be members of the police department of the city of Cambridge, are hereby made a corporation by the name of the Cambridge Police Mutual Aid Association, in the city of Cambridge, for the purpose of assisting the families of deceased members of said association and the members thereof when sick or disabled, or upon their resignation or discharge from the police department of said Cambridge, or upon the decease of their wives, with all the powers and privileges and subject to all the liabilities, duties and restrictions set forth in all general laws which now are or may hereafter be in force Corporators.

Name and purpose.

Powers and duties.

Not subject to laws relating to insurance companies.

relating to such corporations: *provided*, that said corporation shall not be subject to the laws relating to life insurance companies, and shall not be summoned as trustee in any action or process against any person or persons who may hereafter be entitled to assistance from said corporation under the by-laws thereof or under the provisions of this act.

Real and personal estate.

SECTION 2. Said corporation for the purposes aforesaid shall have power to receive grants, devises, bequests and donations, and may hold real and personal estate not exceeding one hundred thousand dollars in value.

SECTION 3. This act shall take effect upon its passage.

Approved May 20, 1884.

Chap.247

AN ACT EXTENDING THE AUTHORITY TO SUMMON WITNESSES.

Be it enacted, etc., as follows:

Issue of summons for witnesses except in criminal cases.

SECTION 1. Section one of chapter one hundred and sixty-nine of the Public Statutes is hereby amended by striking out the word "civil" in the second line, and inserting after the word "cases" in the same line the words "excepting criminal cases."

Repeal.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 20, 1884.

Chap.248

AN ACT TO ESTABLISH THE SALARY OF THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF HAMPDEN.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. The register of probate and insolvency for the county of Hampden, from and after the first day of May in the year eighteen hundred and eighty-four, shall receive an annual salary of eighteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1884.

Chap.249

AN ACT PROVIDING FOR THE PUBLICATION OF A LIST OF PERSONS WHOSE NAMES HAVE BEEN CHANGED IN THIS COMMONWEALTH.

Be it enacted, etc., as follows:

Acts changing the names of persons to be printed.

SECTION 1. The secretary of the Commonwealth at the close of the present session of the general court shall collate and cause to be printed in one volume all the special acts of this Commonwealth heretofore passed authorizing

changes of names of persons, and all the returns of changes of names heretofore published by virtue of the fourteenth section of the one hundred and tenth chapter of the General Statutes and the first section of the fourth chapter of the Public Statutes.

SECTION 2. He shall cause to be added thereto an index classified according to christian and surname of the original names of such persons and of the names so taken and decreed.

Index to
christian and
surname.

SECTION 3. One thousand copies of the volume aforesaid shall be printed, and shall be distributed as follows : one copy to the clerk of each city and town in the Commonwealth ; one copy to each city and town in the Commonwealth to be placed in the city or town library, when such library exists therein ; one copy to each public and incorporated library in the Commonwealth, other than a city or town library ; one copy to each registry of deeds ; one copy to each registry of probate ; one copy to the clerk of the courts in each county ; fifty copies to be retained in the office of the secretary of the Commonwealth, and the remaining copies to be placed in the hands of the secretary of the Commonwealth for general distribution. The preparing of said volume for the press and the printing and binding of the same shall not exceed the sum of eighteen hundred dollars.

Distribution.

Expense not to
exceed \$1,800.

Approved May 20, 1884.

AN ACT CONCERNING THE ELECTION OF ALDERMEN IN THE CITY
OF BOSTON.

Chap. 250

Be it enacted, etc., as follows :

SECTION 1. The city of Boston is hereby divided into twelve aldermanic districts, and wards one and two shall constitute one district, to be known as the first aldermanic district ; wards three, four and five shall constitute one district, to be known as the second aldermanic district ; wards six, seven and eight shall constitute one district, to be known as the third aldermanic district ; wards nine and ten shall constitute one district, to be known as the fourth aldermanic district ; wards eleven and sixteen shall constitute one district, to be known as the fifth aldermanic district ; wards twelve and thirteen shall constitute one district, to be known as the sixth aldermanic district ; wards fourteen and fifteen shall constitute one district, to be known as the seventh aldermanic district ; wards

City of Boston
divided into
twelve alder-
manic districts.

seventeen and eighteen shall constitute one district, to be known as the eighth aldermanic district; wards nineteen and twenty-two shall constitute one district, to be known as the ninth aldermanic district; wards twenty and twenty-one shall constitute one district, to be known as the tenth aldermanic district; wards twenty-three and twenty-five shall constitute one district, to be known as the eleventh aldermanic district; and ward twenty-four shall constitute one district, to be known as the twelfth aldermanic district.

Upon a new division into wards, a new division of aldermanic districts to be made.

SECTION 2. It shall be the duty of the city council after any new division of said city into wards, to cause a new division of the city to be made into twelve aldermanic districts, in such manner as to include in such districts whole and contiguous wards (except so far as the same may be separated by natural water channels connected by bridge or bridges), and an equal number of voters and inhabitants as nearly as convenience permits, and until such new division be made the districts shall remain as established by this act.

One alderman to be elected in each district who shall be a legal voter and an inhabitant thereof.

SECTION 3. The qualified voters of each of said aldermanic districts shall, at the annual municipal election, be called upon to give in their votes for one able and discreet person, being a legal voter and an inhabitant of the district, to be a member of the board of aldermen for the ensuing year; and all such votes so given shall be sorted, counted, declared and recorded, and returns thereof made to the city clerk, in the same manner as is now provided by law for the choice of aldermen of said city. Whereupon the same proceedings shall be had to ascertain and determine the person chosen as alderman for each district as are now provided by law in regard to the choice of aldermen. And a new election shall be ordered in any such district, in case of any failure by such district to elect an alderman as herein provided, or in case of any vacancy by death, resignation or other cause; and each alderman so chosen shall be duly notified as is now provided by law.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved May 21, 1884.

AN ACT TO INCORPORATE THE WATERTOWN WATER SUPPLY
COMPANY.*Chap. 251**Be it enacted, etc., as follows:*

SECTION 1. Alfred Hosmer, Henry C. Derby, Samuel S. Gleason, Albert O. Davidson, Francis Kendall, Abram L. Richards, John H. Conant, John W. Coffin, John Coolidge, George K. Snow and John Murry, their associates and successors, are hereby made a corporation by the name of the Watertown Water Supply Company, for the purpose of furnishing the inhabitants of Watertown with water for the extinguishment of fire, for domestic and other purposes, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The said corporation for the purposes aforesaid may take by purchase or otherwise and hold the water of any springs, natural ponds, brooks or other proper sources of supply within the town of Watertown, but if said water is drawn from Charles River the quantity shall not exceed one million gallons per day, and also may take and hold as aforesaid all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town, and may erect on the land thus taken and held proper dams, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any land, water-courses, railroads or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, repairing and maintaining such conduits, pipes and other works, and for all proper purposes of this act said corporation may dig up any such lands, and under the direction of the board of selectmen of the town may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May take water from springs and ponds in Watertown.

May construct and lay down conduits and other works.

May dig up lands under direction of the selectmen.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the

To have recorded in registry of deeds within sixty days a description of land taken.

registry of deeds for the southern district of the county of Middlesex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Liability for damages.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, and failing to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of two years from the taking of such land or other property, or the doing of other injury under the authority of this act, but no such application shall be made after the expiration of said two years. No application for assessment of damages shall be made for the taking of any water, water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Application for damages not to be made until water is actually withdrawn.

May distribute water and fix rates for the same.

SECTION 5. The said corporation may distribute the water through said town of Watertown; may regulate the use of said water and fix and collect rates to be paid for the same; and may make such contracts with said town or any fire district that is or may be established therein, or with any individual or corporation to supply water for the extinguishment of fires or for other purposes, as may be agreed upon by said town or such fire district, or individual or corporation, and said corporation.

Real estate and capital stock.

SECTION 6. The said corporation may for the purposes set forth in this act hold real estate not exceeding in amount fifty thousand dollars; and the whole capital stock of said corporation shall not exceed in amount two hundred thousand dollars to be divided into shares of one hundred dollars each.

May issue bonds and secure by mortgage.

SECTION 7. The said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars, or by imprisonment not exceeding one year.

Penalty for wantonly polluting or diverting water.

SECTION 9. The said town of Watertown shall have the right at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property and all the rights and privileges of said corporation, at a price which may be mutually agreed upon between said corporation and said town; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court, upon the application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties, and the purchase of and payment for this franchise and property shall be in conformity to the requirements of the Public Statutes.

Town may at any time purchase franchise and property.

Compensation to be determined by commissioners if parties fail to agree.

SECTION 10. The selectmen of Watertown, upon the application of any person from whom any land, water or water rights are taken under this act, shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the said selectmen shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the said selectmen shall in like manner require further security if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security required.

Security may be required for payment of damages which may be awarded.

SECTION 11. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within two years from the date of its passage.

Work to be commenced within two years.

Approved May 21, 1884.

Chap. 252

AN ACT CONCERNING PILOTAGE.

Be it enacted, etc., as follows :

Liability, to
pilotage fees, of
vessels bound
into Boston
Harbor.

SECTION 1. Every vessel bound into the harbor of Boston, liable to pilotage, which shall arrive within a line drawn from Harding's Ledge to the Graves and thence to Nahant Head without having been offered the services of a pilot shall be exempt from the payment of pilotage fees; but if thereafter she requests and receives such services she shall pay the regular rates.

Vessels not
more than 350
tons, inward
bound.

SECTION 2. Any vessel of not more than three hundred and fifty tons register bound into the port of Boston, declining the services of a pilot shall if otherwise liable under the provisions of law to the payment of pilotage fees, be liable only for one-half of the regular fees; but if such vessel request and receive such services she shall be held to pay the regular fees therefor.

Vessels under
350 tons, out-
ward bound.

SECTION 3. No vessel of under three hundred and fifty tons register bound out from the port of Boston shall be held to pay pilotage fees for services tendered and declined; but if such vessel request and receive such services the regular fees shall be paid therefor.

Certain vessels
exempt from
pilotage.

SECTION 4. Section thirty-two of chapter seventy of the Public Statutes is amended to read as follows:—All passenger steam vessels regulated by the laws of the United States and carrying a pilot commissioned by United States commissioners, all vessels regularly employed in the coasting trade, all fishing vessels other than whalers, and all vessels of less than seven feet draught of water shall be exempt from the compulsory payment of pilotage.

Pilot to serve
vessel exempt,
if so required.

SECTION 5. Whenever any vessel exempt from the compulsory payment of pilotage requests the aid of a pilot, any pilot so requested shall serve such vessel in like manner as vessels not so exempt, and shall be entitled to the regular compensation therefor.

Persons other
than pilots not
to act as such,
unless, etc.

SECTION 6. Section thirty-nine of chapter seventy of the Public Statutes is amended to read as follows:—No person, who does not hold a commission as a pilot, shall if a commissioned pilot offers his services or can be obtained within a reasonable time assume or continue to act as pilot in the charge or conduct of any vessel within the waters of this Commonwealth unless he is a person actually employed on such vessel for the voyage. Whoever commits a breach of the provisions of this section shall be

liable to a penalty of not less than twenty nor more than fifty dollars for each offence.

SECTION 7. This act shall take effect on the first day of September next. *Approved May 21, 1884.*

To take effect
Sept. 1, 1884.

AN ACT RELATIVE TO THE LOCATION IN WHICH A SAVINGS BANK OR INSTITUTION FOR SAVINGS MAY TRANSACT ITS PRINCIPAL BUSINESS.

Chap. 253

Be it enacted, etc., as follows:

SECTION 1. A savings bank or institution for savings incorporated under the provisions of chapter one hundred and sixteen of the Public Statutes shall carry on its usual business at its banking house only, and no deposit shall be received, nor payment on account of deposits be made by such corporation or by any person on its account in any other place than at its banking house; and such banking house shall be kept in the city or town in which such corporation is established.

Savings banks
or institutions
for savings,
usual business
to be conducted
at banking
houses only.

SECTION 2. This act shall take effect upon its passage.

Approved May 21, 1884.

AN ACT AUTHORIZING THE HAVERHILL AQUEDUCT COMPANY TO INCREASE ITS WATER SUPPLY.

Chap. 254

Be it enacted, etc., as follows:

SECTION 1. The Haverhill Aqueduct Company is hereby authorized to take and hold the waters of Crystal Lake, so called, in the city of Haverhill, together with any water rights connected therewith, for the purpose of increasing its means of supplying the inhabitants of said city with water for the extinguishment of fires and for domestic and other purposes, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force regulating such corporations.

Haverhill Aque-
duct Company
may take
waters of
Crystal Lake.

SECTION 2. Said corporation may take, hold and convey through the city of Haverhill, or any part thereof, the water so taken, so far as may be necessary to supply the inhabitants thereof, and may take by purchase or otherwise and hold any real estate necessary for the preservation and purity of the said water, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the water so taken and held; and may lay its water pipes through

May convey
water through
city of
Haverhill.

May dig up roads under direction of the aldermen.

To cause to be recorded in the registry of deeds a description of lands and water rights heretofore or hereafter taken.

Assessment of damages.

Penalty for diverting or corrupting water.

any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections; and for the purposes aforesaid may carry its pipes under or over any water course, street, railroad, highway or other way in such manner as not unnecessarily to obstruct the same; and may, under the direction of the board of aldermen, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes, or other works; and in general may do any other acts or things convenient and proper for carrying out the purposes of this act.

SECTION 3. Said corporation shall, within sixty days after the taking of any land or water rights under the provisions of this act, otherwise than by purchase, file and cause to be recorded in the registry of deeds in the southern district of the county of Essex a description of any land and water rights so taken, sufficiently accurate for identification, with a statement of the purposes for which it is so taken, and the title of the land and water rights so taken shall vest in said corporation. Said corporation shall also file and cause to be recorded in the registry aforesaid a description of all the lands and water rights heretofore taken or which shall be hereafter taken by it under authority granted in any former acts.

SECTION 4. Any person or corporation injured in any way by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided by law when land is taken for the laying out of highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter; and no suit for injury done under this act shall be brought after three years from the doing of the alleged injury.

SECTION 5. If any person shall use any of said water taken under this act, by drawing from any pipe without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam or aqueduct, pipe, conduit, hydrant, machinery

or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

SECTION 6. After the said corporation shall have actually taken, diverted and stored the waters of Crystal Lake to its fullest capacity by erecting a dam at its outlet, and after said corporation shall have drawn the water in said lake down to low water mark for the necessary use of the inhabitants of Haverhill, under the authority of this act, if more water is needed the provisions of section five of chapter seventy-three of the acts of the year eighteen hundred sixty-seven, relating to drawing the waters of Round Pond, Plug Pond and Kenoza Lake below low water mark, shall not apply to said corporation while such additional water is needed; and said corporation shall proceed, within one year, to take and store the waters of said Crystal Lake, and furnish the same for the use of the inhabitants of said Haverhill within two years from the passage of this act.

SECTION 7. The county commissioners for the county within which any lands, water or water rights taken under this act are situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the said county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the said county commissioners shall, in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security required.

SECTION 8. The city of Haverhill may at any time hereafter purchase or otherwise take all the franchises, rights and property of said Haverhill Aqueduct Company at such price as may be agreed upon by the parties, and

After waters of Crystal Lake are taken, the provision of 1867, 73, § 5, relating to drawing water below low water mark, not to apply, while more water is needed.

Corporation may be required to give security for payment of damages.

City of Haverhill may at any time purchase or take franchises and property of corporation.

in case the said city and the said corporation cannot agree upon the price to be paid, the supreme judicial court may, upon application of either party and notice to the other, appoint three commissioners who shall determine the price to be paid to said corporation by said city, and whose award when accepted by the court shall be final.

Void unless certain requirements of section six are carried out.

SECTION 9. This act shall take effect upon its passage, but shall become void unless the requirements of section six in regard to taking and furnishing the waters of Crystal Lake are carried out.

Approved May 21, 1884.

Chap. 255

AN ACT TO ESTABLISH A REFORMATORY FOR MALE PRISONERS.

Be it enacted, etc., as follows:

Commissioners of prisons to prepare for use as the state prison, the buildings in Boston formerly occupied as said prison.

SECTION 1. The commissioners of prisons are hereby authorized and required to prepare for use as the state prison the buildings in the city of Boston formerly occupied as said prison, or such portions thereof as they may consider necessary, and to expend for that purpose such sum, not exceeding thirty-five thousand dollars, as they shall consider necessary : *provided*, that said commissioners shall not expend any part of said sum until they have obtained estimates from competent experts showing that the whole amount required to fully repair said buildings and fit the same for occupancy as a state prison will not exceed said sum of thirty-five thousand dollars. The warden of the state prison is hereby authorized to let to the commissioners of prisons, to be employed in preparing said buildings for occupancy, as many prisoners, held by him in said prison, as said commissioners shall desire, not exceeding thirty in number at any one time. Said prisoners shall be employed under the direction and in the custody of officers appointed by the warden, and shall be considered to be in the warden's custody while employed as aforesaid. The amount to be paid for the labor of prisoners so employed shall be determined by the warden and the commissioners of prisons. When the buildings are ready for occupancy the commissioners of prisons shall so notify the governor, and if said buildings are accepted by him he shall issue his proclamation, establishing the state prison in said buildings, and fixing the date at which it shall be established.

Prisoners may be employed in preparing buildings for occupancy.

Governor to issue proclamation establishing prison.

May issue proclamation establishing the Massachusetts reformatory in the

SECTION 2. At any time subsequent to the establishment of the state prison at Boston, as provided in the preceding section, the governor may issue his proclama-

tion, establishing the Massachusetts reformatory in the buildings now owned by the Commonwealth in the town of Concord and occupied as the state prison, and said buildings and all lands and building owned by the Commonwealth in said town of Concord are hereby devoted to the use of said reformatory.

buildings in
Concord.

SECTION 3. Within two weeks after the establishment of the state prison in Boston, as herein before provided, the commissioners of prisons shall send to the governor and council a list of all prisoners held in the state prison at Concord who, in their opinion, should be transferred to said Massachusetts reformatory. Said list shall not contain the name of any prisoner held in said prison upon a sentence of five years or more, or for life, nor the name of any such prisoner held upon a sentence of less than five years, if more than one-half of such sentence remains unexpired: *provided, however*, that the name of any prisoner having a sentence of five years or more may be placed upon said list if, at the date of the establishment of said prison at Boston, he shall have not more than one year to serve after deducting the time commuted for his good behavior. The governor and council shall decide which of the prisoners whose names are included in said list shall be transferred to said reformatory, and the governor shall issue his warrant directing the warden of the state prison to transfer said prisoners to said reformatory, and the warden shall transfer said prisoners, as directed in said warrant.

List of prisoners
recommended to
be transferred
to the reforma-
tory, to be fur-
nished to gov-
ernor and
council.

Prisoners to be
transferred to be
selected from
the list fur-
nished.

Governor to
issue warrant.

SECTION 4. The governor shall also issue his warrant directing the warden of the state prison to remove from the state prison at Concord to the state prison at Boston all prisoners held in said prison at Concord who have not been removed to said reformatory, as aforesaid, and the warden shall remove said prisoners, as directed in said warrant.

Governor to
issue warrant
to remove
remainder of
prisoners to
state prison at
Boston.

SECTION 5. Every prisoner removed from the state prison at Concord to the state prison at Boston, as aforesaid, shall serve in said state prison at Boston the remainder of the term of his sentence to the state prison in the same manner as if he had originally been committed to said state prison at Boston; and every prisoner transferred from the state prison to the Massachusetts reformatory, as aforesaid, shall serve in said reformatory the remainder of the term of his sentence to the state prison, in the

Terms of
sentence to be
fulfilled.

same manner as if he had originally been sentenced to said reformatory, and the removal or transfer of a prisoner, as aforesaid, shall not in any way impair the validity of his sentence, or abridge the authority of the warden or superintendent, as the case may be, to detain him in custody according to its terms.

After establishment of prisons, sentences to state prison to run to the state prison at Boston.

SECTION 6. From and after the date of the establishment of the state prison at Boston, as fixed by the governor, under the provisions of section one of this act, all sentences to the state prison shall be to the state prison at Boston. The warden of the state prison shall have the custody, in the state prison at Concord, of all prisoners sentenced thereto, until their transfer to said reformatory or their removal to the state prison at Boston. When all of said prisoners have been so transferred or removed the state prison at Concord shall cease to be such.

Laws relating to the state prison at Concord to apply to the state prison at Boston.

SECTION 7. From and after the date of the establishment of the state prison at Boston, as aforesaid, all laws relating to the state prison at Concord, and to prisoners confined therein, shall be in full force and effect in relation to the state prison at Boston, and to prisoners confined therein.

Male persons punishable by imprisonment in state prison, jail, etc., may be sentenced to reformatory.

SECTION 8. After the establishment of the Massachusetts reformatory any male person convicted of an offence punishable by imprisonment in the state prison or in a jail, house of correction or house of industry may be sentenced to said reformatory: *provided, however*, that no person shall be sentenced to said reformatory for a less time than one year. Municipal, police and district courts and trial justices shall have the same jurisdiction and authority to sentence such person to said reformatory which they have to sentence him to such jail, house of correction or house of industry.

Sentence to reformatory may be for the maximum term allowed by law.

SECTION 9. Every sentence to said reformatory imposed under the laws of this Commonwealth may be for the maximum term provided by law for the punishment of the offence of which the person so sentenced has been convicted. The term of imprisonment under any such sentence may be terminated by the commissioners of prisons as authorized by section thirty-three of this act.

Copy of complaint, etc., together with names of witnesses at the trial, to be sent to superintendent.

SECTION 10. Whenever any person is sentenced to said reformatory the court imposing the sentence shall transmit to the superintendent an attested copy of the complaint or indictment under which such person was

convicted, together with the names of the witnesses testifying for and against such person at his trial. No fee shall be charged or allowed for making said copies.

SECTION 11. After the establishment of the Massachusetts reformatory no person who is over fifteen years of age shall be sentenced to the reform school for boys at Westborough.

Boys over fifteen not to be sent to reform school.

SECTION 12. The commissioners of prisons may remove to said reformatory such male prisoners confined in the jails or houses of correction of the several counties, or in the House of Industry at Deer Island, in the city of Boston, as they consider likely to be benefited by its reformatory influences. They may also, whenever they consider it necessary, remove from said reformatory to the place of imprisonment from which he was received, any prisoner removed to said reformatory under the provisions of this section, or may remove any prisoner held in said reformatory to any jail or house of correction.

Prisoners in jails, etc., in the several counties may be removed to the reformatory.

Prisoners thus removed may be returned, etc.

SECTION 13. On application of the trustees of the state primary and reform schools the commissioners of prisons may cause any boy confined in the state reform school for boys at Westborough upon a sentence for any offence to be removed to said reformatory. The said commissioners, upon application of said trustees, may cause a boy so removed to be returned to said state reform school.

Boys in reform school at Westborough may be removed to reformatory.

SECTION 14. Said commissioners may with the same consent, with the consent of the governor and council, remove from the state prison to said reformatory any prisoner confined in said prison, and may, whenever they consider it necessary, return said prisoner to said state prison.

Prisoners in state prison may be removed to reformatory.

SECTION 15. A prisoner removed or returned under the provisions of either of the three preceding sections shall serve the remainder of his original term of sentence in the place of confinement to which he is so removed or returned.

Prisoner thus removed or returned under three preceding sections to serve out sentence.

SECTION 16. Every order for the removal of a prisoner under this act shall be signed by the secretary of the commissioners of prisons, and directed to the officer making the removal. All mittimuses, processes, and other official papers or copies thereof by which a prisoner is held shall be removed with him.

Order for removal to be signed by secretary of commissioners.

SECTION 17. Any order for the removal of a prisoner

Order may be executed by any

officer authorized to serve process.

under the provisions of this act may be executed by any officer authorized to serve civil or criminal process in any county in this Commonwealth.

Costs of commitment and removal.

SECTION 18. The costs of the commitment of any person sentenced to said reformatory shall be paid by the county from which he is committed. The costs of the removal of any person to or from said reformatory shall be paid from the treasury of the Commonwealth, the bills therefor having received the approval of the commissioners of prisons.

Officers of the reformatory.

SECTION 19. The officers of said reformatory shall consist of one superintendent, one deputy superintendent, one instructor, one physician, one clerk, four turnkeys, one engineer, as many watchmen not exceeding twenty-three, and as many assistant watchmen not exceeding twenty-three, as the superintendent and the commissioners of prisons may consider necessary.

Superintendent and physician appointed by governor and council.

SECTION 20. The superintendent and the physician shall be appointed by the governor by and with the consent of the council, and shall hold office during the pleasure of the governor and council.

Other officers by superintendent with approval of commissioners.

SECTION 21. All other officers of said reformatory shall be appointed by the superintendent, subject to the approval of the commissioners of prisons, and shall hold their offices during the pleasure of the superintendent and commissioners.

Salaries of officers.

SECTION 22. The officers of the prison shall receive the following annual salaries, viz.: the superintendent, thirty-five hundred dollars; the instructor, two thousand dollars; the physician, one thousand dollars; and the officers appointed by the superintendent such salaries as shall be fixed by him, subject to the approval of the commissioners of prisons, but within the limits herein respectively set forth, as follows, viz.: the deputy superintendent, not exceeding two thousand dollars; the clerk, not exceeding two thousand dollars; each turnkey, not exceeding eleven hundred dollars; the engineer, not exceeding fifteen hundred dollars; each watchman, not exceeding one thousand dollars; each assistant watchman, not exceeding eight hundred dollars. No other perquisite, reward or emolument, shall be allowed to, or received by, any of the said officers, except that there shall be allowed to the superintendent and deputy-superintendent sufficient

house room with fuel and lights, for themselves and their families.

SECTION 23. The superintendent of said reformatory shall receive and securely keep, according to the terms of his sentence, any male person committed thereto upon a sentence imposed by any court of the United States, or any male prisoner sentenced by any such court who may be removed thereto from any other prison.

United States prisoners may be confined in reformatory.

SECTION 24. The superintendent shall have the custody and control of all prisoners committed to the said reformatory, and shall have the management and direction of the reformatory under the rules and regulations of the same. He shall, before entering upon the duties of the office, give to the treasurer of the Commonwealth a bond, in such sum and with such sureties as the governor and council shall approve, conditioned that he shall faithfully account for all the money placed in his hands, and for the faithful performance of his duties. He shall purchase all supplies necessary for the said reformatory; shall receive and pay out all money paid from the treasury of the Commonwealth for the support thereof, and shall have the custody and control of the buildings and property of the Commonwealth connected therewith. He shall cause to be kept in suitable books a full and accurate statement of the property, expenses, income and business of the said reformatory. He shall make to the commissioners of prisons such reports as they shall require of him.

Superintendent to have custody of all the prisoners.

To give bond.

To purchase supplies.

To keep account of property, expenses, etc.

SECTION 25. When the office of superintendent is vacant, or the superintendent is absent from the reformatory, or unable to perform the duties of his office, the deputy superintendent shall have the powers, perform the duties, and be subject to the obligations and liabilities of the superintendent.

Deputy to act in absence of superintendent.

SECTION 26. If the office of superintendent becomes vacant the commissioners of prisons may require the deputy superintendent to assume the duties of superintendent, and to give a bond to the Commonwealth, in the sum of ten thousand dollars, with sufficient sureties, to be approved by them, conditioned for the faithful performance of the duties incumbent on him as deputy superintendent until a superintendent is appointed, and that he will faithfully account for all money which shall come into his hands in such case; and from the time said bond is approved the deputy superintendent shall, so long as he performs the duties of

Deputy may be required to assume duties and give bond, if office of superintendent is vacant.

Superintendent
pro tempore.

superintendent, receive the salary of that officer, in lieu of his salary as deputy superintendent. If the deputy superintendent does not give such bond when required, the commissioners of prisons may relieve him from the duties of superintendent and appoint a superintendent *pro tempore*, who shall give such bond, and shall have the power and authority, perform the duties and receive the salary of the superintendent, until a superintendent is duly appointed and enters upon the discharge of the duties of the office.

Instructor to devote his whole time, etc.

SECTION 27. The instructor shall devote his whole time to the instruction of the prisoners and the promotion of their moral and religious well being.

Commissioners to have general supervision.

SECTION 28. The commissioners of prisons shall have the general supervision of the said reformatory, and shall make all necessary rules and regulations for the government and direction of the officers in the discharge of their duties, for the discipline of the prisoners and the custody and preservation of the property of the said reformatory. They shall make special provision for grading and classifying the prisoners and establish rules for dealing with them according to their behavior, industry in labor, and diligence in study. All rules and regulations adopted by the said commissioners shall be subject to the approval of the governor and council. The said commissioners shall, with the superintendent, cause provision to be made for the employment of the prisoners; but no such provision shall be made without the approval of the governor and council. The said commissioners shall endeavor to establish in said reformatory such industries as will enable prisoners employed therein to learn valuable trades. The said superintendent and commissioners may expend a sum not exceeding two thousand dollars annually for the maintenance of a prison school.

To make rules for grading and classifying prisoners.

Prisoners to be employed with consent of governor and council.

Trades.

Prison school.

Moneys received for labor to be paid over once in each month.

SECTION 29. All moneys received by the superintendent for labor of the prisoners or for articles sold shall be paid over to the treasurer of the Commonwealth as often as once in each month.

Salaries of officers and bills for supplies to be paid monthly.

SECTION 30. The salaries and pay of all officers and employees at said reformatory, and all bills for supplies and for other expenditures for said reformatory shall be paid monthly from the treasury of the Commonwealth, the same having first been certified by the auditor of the Commonwealth upon schedules, accompanied by vouchers,

enumerating the bills and pay-rolls. Said schedules shall be certified by the superintendent and approved by the commissioners of prisons. A full record of the pay-rolls and bills shall be kept by the superintendent, and the originals shall be deposited with the auditor of the Commonwealth as vouchers.

Record of pay-rolls.

SECTION 31. The superintendent of said reformatory shall annually make to the commissioners of prisons, on or before the first day of November, a report of the affairs of said reformatory, including a detailed statement of the receipts and expenditures of the year ending on the thirtieth day of September, with such other facts and such recommendations as he shall desire to present, and such report, together with the recommendations of said commissioners, shall be included by them in their annual report. Five hundred copies of the superintendent's report shall be printed separately from the report of the said commissioners, for the use of the superintendent.

Superintendent to make annual report to the commissioners.

SECTION 32. Prisoners confined in said reformatory may be employed, in the custody of an officer, upon any lands or buildings owned by the Commonwealth in the town of Concord, and whoever escapes from said land shall be deemed to have escaped from said reformatory.

Prisoners may be employed upon lands, buildings, etc.

Escape.

SECTION 33. When it shall appear to the commissioners of prisons that any person imprisoned in said reformatory has reformed, they may issue to him a permit to be at liberty during the remainder of his term of sentence, upon such conditions as they deem best; and they may revoke said permit at any time previous to its expiration: *provided, however*, that no permit shall be issued to a person transferred or removed from the state prison to said reformatory, except with the approval of the governor and council. The violation by the holder of a permit, granted as aforesaid, of any of the terms or conditions of such permit, or the violation of any of the laws of this Commonwealth, shall of itself make void said permit.

Permit to be at liberty, upon conditions, may be issued by commissioners.

To be issued to person from state prison, only with approval of governor and council.

SECTION 34. When any permit granted under the provisions of the preceding section has been revoked, or has become void, as aforesaid, the commissioners of prisons may issue an order authorizing the arrest of the holder of said permit and his return to said reformatory. Said order of arrest may be served by any officer authorized to serve criminal process in any county in this Commonwealth. The holder of said permit, when returned to said

If permit has become void holder may be returned.

Service of order of arrest.

Person thus returned shall be

held according to original sentence.

reformatory, as aforesaid, shall be detained therein according to the terms of his original sentence; and in computing the period of his confinement the time between his release upon said permit and his return to the reformatory shall not be taken to be any part of the term of the sentence.

Assistance for discharged prisoners.

SECTION 35. The commissioners of prisons may expend for the assistance of prisoners discharged from said reformatory a sum not exceeding three thousand dollars annually. And said commissioners of prisons shall receive no compensation for their services under this act.

Repeal.

SECTION 36. So much of chapter three hundred and ninety-one of the acts of eighteen hundred and seventy-four as requires the sale of the state prison at Charlestown, and the land and property connected therewith, is hereby repealed, and in lieu of the application of the proceeds of such sale required by said act, the treasurer is hereby directed to pay into the sinking fund thereby created, from the revenue of the Commonwealth not otherwise appropriated, the sum of sixty thousand dollars, on or before the first day of July in each year, for ten years, commencing with the present year.

Sinking fund.

SECTION 37. This act shall take effect upon its passage.

Approved May 21, 1884.

Chap. 256

AN ACT TO PROVIDE A FURTHER SUPPLY OF WATER FOR THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

May take waters of Stony Brook in Waltham and Weston.

SECTION 1. The city of Cambridge, for the purpose of supplying said city and the inhabitants thereof with pure water for the extinguishment of fires, and for domestic and other purposes, may take, hold and convey into and through said city, either by the way of Fresh Pond or otherwise, the waters of Stony Brook, in the towns of Waltham and Weston, and of the tributaries thereof, with any water rights connected therewith, and may also take and hold by purchase or otherwise any land, rights of way, easements and real estate necessary for laying, constructing and maintaining aqueducts, water-courses, reservoirs, storage basins, dams and such other works as may be deemed necessary or proper for collecting, purifying, storing, retaining, discharging, conducting and distributing said waters: *provided, however,* that there shall be re-

May take land, rights of way, etc.

Water to be re-

served from said waters sufficient for the town of Weston to supply itself and its inhabitants with pure water for the extinguishment of fires and for domestic and other purposes; and *provided, further*, that there shall also be reserved from said waters sufficient for the town of Waltham to supply itself and its inhabitants with pure water for like purposes, whenever the legislature shall grant to said towns the right to take water from the Stony Brook or its tributaries. But until the water thus to be reserved is actually diverted under any such legislative grant, Cambridge shall have the right to the same, and in any case to so much as is not thus diverted, in the same manner as though these respective reservations had not been made, and *provided*, that Cambridge shall not draw any water from said reservoir or storage basin for its own use, or for the use of any other town or city except when the water is running to waste over the dam, without the consent of Waltham and Weston, and said dam shall be built and maintained by the city of Cambridge at an elevation of twenty feet above the top of the present dam on Stony Brook at Roberts' Mills, and the construction of said dam shall be commenced within one year, and completed within three years from the passage of this act.

SECTION 2. Said city shall, within sixty days after taking any lands, rights of way, water rights, water sources or easements aforesaid, otherwise than by purchase, for the purposes of this act, file and cause to be recorded in the registry of deeds for the county and district in which such land or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the mayor.

SECTION 3. Said city, for the purposes aforesaid, may construct aqueducts and maintain the same; may construct and maintain dams, reservoirs, storage basins and other proper works; may erect buildings and machinery; may make and establish such public fountains and hydrants as may from time to time be deemed proper, and may change or discontinue the same; may regulate the use of water, and establish the price or rates to be paid therefor, and collect the same by process of law. Said city may also, for the purposes aforesaid, carry any pipe, drain or aqueduct over or under any river, water-course, street, railroad, public way, highway or other way, in such manner

served for
Weston.

Water to be re-
served for
Waltham.

Proviso.

Dam to be com-
menced within
one year and
completed
within three
years.

To cause to be
recorded in the
registry of
deeds a descrip-
tion of the prop-
erty taken.

May construct
aqueducts and
dams.

May dig up
roads and ways.

as not unnecessarily to obstruct the same, and may enter upon and dig up such road, street or way for the purpose of laying down, maintaining or repairing any pipe, drain or aqueduct, and may do any other things necessary and proper in executing the purposes of this act.

Roads outside of the city to be restored to good order and condition.

SECTION 4. If said city enters upon and digs up, for the purposes aforesaid, or by reason of anything authorized by this act, injures any road, street or way which is outside the limits of said city, it shall be subject to such reasonable regulations as may be prescribed by the selectmen of the town, or the mayor and the aldermen of the city, in which such road, street or way is located, and shall restore the same to as good order and condition as it was in when such digging commenced, or before such injury occurred; and the work shall be done and all repairs be made in such manner and with such care as not to render any road, street or way in which such pipes are laid, unsafe or unnecessarily inconvenient to the public travel thereon. Said city shall at all times indemnify and save harmless any such city or town which is liable to keep in repair any road, street or way aforesaid, against all damages and costs which may be recovered against it and shall reimburse to it all expense which it shall reasonably incur in the defence of suits or otherwise by reason of any defect or want of repair in such road, street or way, caused by the placing, maintenance, repairing or replacing of said pipes, or by reason of any injury to persons or property, caused by any defect or want of repair in any such pipes: *provided*, that said city has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof.

Liability for damages.

SECTION 5. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of, or injury to, any of their land, water, water rights, rights of way, easements or property, or by the constructing or repairing of any aqueduct, reservoir or other works, for the purposes aforesaid. If any person sustaining damage, as aforesaid, does not agree with said city upon the amount of said damage, he may, within three years from such taking, and not afterwards, apply by petition for an assessment of the damage to the superior court in the county in which the property taken or damaged is situated. Such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall

thereupon issue a summons to the said city, returnable, if issued in vacation, at the next term of the court to be held after the expiration of fourteen days from the filing of the petition; and if in term time, returnable on such day as the court shall order, to appear and answer to the petition. The summons shall be served fourteen days at least before the term or day at which it is returnable, by leaving a copy thereof and of the petition, certified by the officer who serves the same, with the clerk of said city; and the court may, upon default or hearing of said city, appoint three disinterested persons who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the persons so appointed, or a major part of them, being returned into and accepted by the court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party with costs, unless one of the parties claims a trial by jury as hereinafter provided.

Award to be final.

SECTION 6. If either of the parties mentioned in the preceding section is dissatisfied with the amount of damage awarded, as therein expressed, such party may, at the term at which such award was accepted or the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine at the bar of said court all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of the jury, being accepted and recorded by the court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the parties, respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Trial by a jury.

Verdict to be final.

SECTION 7. No application shall be made to the court for the assessment of damages for the taking of any water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said city under the authority of this act.

Application for damages not to be made until water is actually withdrawn.

SECTION 8. In every case of a petition to the superior court for an assessment of damages, as provided in this act, the city may tender to the complainant or his attorney any sum, or may bring the same into court to be paid to the complainant for the damages by him sustained or claimed in his petition, or may in writing offer to be

Tender for damages.

defaulted, and that damages may be awarded against it for the sum therein expressed, and if the complainant does not accept the sum with his costs up to that time, but proceeds in his suit, he shall be entitled to his costs up to the time of the tender of such payment into court, or offer of award, and not afterwards, unless the complainant recovers greater damages than were so offered.

Cambridge held
to pay damages.

Waltham to pay
a fair propor-
tion.

If Cambridge
and Waltham
cannot agree,
either may ap-
ply to the supe-
rior court.

SECTION 9. In estimating the damages for anything taken under this act, the city of Cambridge shall be held to pay as if there were no reservation in the first section hereof in favor of Weston and Waltham, and if the town of Waltham shall ever take any part of the water reserved for it in the first section hereof, it shall pay to Cambridge a fair proportion of the damages paid by Cambridge for water and water rights taken, and if Waltham takes from any reservoir or pipes constructed by Cambridge, under the authority of this act or any act in amendment hereof it shall pay to Cambridge a fair proportion of the cost to Cambridge, excluding interest, of the works connected with said reservoir or pipes. If Cambridge and Waltham cannot agree as to the sums to be paid, either party may apply to the superior court, in the county of Middlesex, and the court upon such notice to the other party as it may order, shall appoint three commissioners, who shall, after reasonable notice fix the amount to be paid, and the award of them or a major part of them being returned into, and accepted by the court shall be final, and judgment shall be rendered and execution issued thereon, and the court may award costs to either party as may seem to the court just and equitable, and execution shall issue therefor.

Rights and li-
abilities.

SECTION 10. All the rights, powers and authority given to the city of Cambridge by this act shall be exercised by said city, subject to all duties, liabilities and restrictions herein contained, in such manner and by such agents, officers and servants as the city council shall from time to time ordain, direct and appoint.

Additional
water loan for
Cambridge, not
to exceed
\$500,000.

SECTION 11. For the purpose of defraying the cost of such franchises, property, lands, easements, water and water rights as may be purchased, taken or held for the purposes aforesaid, and of constructing the works authorized by this act, and paying all expenses incident thereto, the city council of Cambridge shall have authority to issue in addition to what it is already authorized by law to issue,

scrip or bonds, to be denominated on the face thereof "Cambridge Water Loan," to an amount not exceeding five hundred thousand dollars, bearing interest not exceeding six per centum per annum, payable semi-annually, the principal to be payable at periods of not more than thirty years from the issuing of such scrip or bonds respectively. Said city council may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the above purposes; but the same shall not be sold or pledged for less than the par value thereof. The provisions of section eight of chapter one hundred and fifty-three of the acts of the year eighteen hundred and sixty-five, and of section two of chapter one hundred and forty-five of the acts of the year eighteen hundred and seventy-five, in regard to establishing and maintaining a sinking fund for the redemption of the "Cambridge Water Loan," shall apply to this act; and said sinking fund shall remain sacred and inviolate, and pledged to the payment and redemption of said debt and shall be used for no other purpose. The provisions of the tenth and eleventh sections of chapter twenty-nine of the Public Statutes shall, so far as applicable, apply to said sinking fund.

Sinking fund.

SECTION 12. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner thereof shall be also liable if, on being notified of such use, he does not object to the same.

Liability for rent for use of water.

SECTION 13. All acts and measures necessary to preserve and maintain the purity and to prevent the pollution of the waters of said Stony Brook shall be performed, and the expense and damages thereof paid by the city of Cambridge.

Expense to be paid by Cambridge.

SECTION 14. Whoever wantonly or maliciously diverts the water, or any part thereof, taken or held by said city pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property, held, owned or used by said city under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may also be punished by fine not exceeding three

Penalty for diverting or corrupting water.

hundred dollars, or by imprisonment not exceeding one year in the house of correction in said county of Middlesex.

Weston and Waltham not prevented from taking water from brook.

SECTION 15. Nothing contained in this act shall be so construed as to prevent the inhabitants of the towns of Weston and Waltham from taking from said brook, or its tributaries, so much of the water as shall be necessary for extinguishing fires, and for all domestic and other purposes.

Cambridge may supply Belmont and Watertown with water.

SECTION 16. The city of Cambridge is hereby authorized, if said city shall deem it expedient so to do, to supply the towns of Belmont and Watertown, or either of them, with water in such quantities, under such conditions and upon such terms as may be agreed upon between said city of Cambridge and said towns, or either of them.

To be accepted within three months, and work commenced within one year.

SECTION 17. This act shall take effect upon its passage; but shall become void unless it is accepted by the city council of Cambridge within three months from its passage, and unless work is commenced under it within one year from its passage.

Approved May 21, 1884.

Chap. 257 AN ACT TO PROVIDE A FURTHER SUPPLY OF WATER FOR THE TOWN OF WALTHAM.

Be it enacted, etc., as follows:

Waltham may take waters of Stony Brook in Weston.

SECTION 1. The town of Waltham, for the purpose of supplying said town and the inhabitants thereof with pure water for the extinguishment of fires and for domestic and other purposes, may take, hold and convey into and through said town, the waters of Stony Brook in the towns of Waltham and Weston, and of the tributaries thereof, and any water rights connected therewith, and may also take and hold by purchase or otherwise any land, rights of way, easements and real estate necessary for laying, constructing and maintaining aqueducts, water-courses, reservoirs, storage basins, dams and such other works as may be deemed necessary or proper for collecting, purifying, storing, retaining, discharging, conducting and distributing said waters.

To cause to be recorded in registry of deeds a description of land, etc., taken.

SECTION 2. Said town shall, within sixty days after taking any lands, rights of way, water rights, water sources or easements aforesaid otherwise than by purchase, for the purposes of this act, file and cause to be recorded in the registry of deeds for the county and district in which such land or other property is situated, a

description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the water commissioners of the town.

SECTION 3. Said town, for the purposes aforesaid, may construct aqueducts and maintain the same; may construct and maintain dams, reservoirs, storage basins and other proper works; may erect buildings and machinery; may make and establish such public fountains and hydrants as may from time to time be deemed proper, and may change or discontinue the same; may regulate the use of water, and establish the price or rates to be paid therefor, and collect the same by process of law. Said town may also, for the purposes aforesaid, carry any pipe, drain or aqueduct over or under any river, water-course, street, railroad, public way, highway or other way, in such manner as not unnecessarily to obstruct the same, and may enter upon and dig up such road, street or way for the purpose of laying down, maintaining or repairing any pipe, drain or aqueduct, and may do any other things necessary and proper in executing the purposes of this act.

May construct and maintain dams and reservoirs.

May regulate use of water, and establish water rates.

May dig up roads and ways.

SECTION 4. If said town enters upon and digs up for the purposes aforesaid, or by reason of anything authorized by this act injures any road, street or way which is outside the limits of said town, it shall be subject to such reasonable regulations as may be prescribed by the selectmen of the town, or the mayor and aldermen of the city, in which such road, street or way is located, and shall restore the same to as good order and condition as it was in when such digging commenced, or before such injury occurred; and the work shall be done and all repairs be made in such manner and with such care as not to render any road, street or way, in which such pipes are laid, unsafe or unnecessarily inconvenient to the public travel thereon. Said town shall at all times indemnify and save harmless any such city or town which is liable to keep in repair any road, street or way aforesaid, against all damages and costs which may be recovered against it, and shall reimburse to it all expense which it shall reasonably incur in the defence of suits or otherwise by reason of any defect or want of repair in such road, street or way, caused by the placing, maintenance, repairing or replacing of said pipes, or by reason of any injury to persons or property, caused by any defect or want of repair in any

Subject to regulations by selectmen of towns where roads are located.

Town to indemnify other places against damages.

Proviso.

such pipes : *provided*, that said town has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof.

Damages for taking land, etc.

SECTION 5. Said town shall be liable to pay all damages sustained by any persons or corporations by the taking of, or injury to, any of their land, water, water rights, rights of way, easements or property, or by the constructing or repairing of any aqueduct, reservoir or other works, for the purposes aforesaid. If any person sustaining damage, as aforesaid, does not agree with said town upon the amount of said damage, he may, within three years from such taking, and not afterwards, apply by petition for an assessment of the damage to the superior court in the county in which the property taken or damaged is situated. Such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the said town, returnable, if issued in vacation, at the next term of the court to be held after the expiration of fourteen days from the filing of the petition; and if in term time, returnable on such day as the court shall order, to appear and answer to the petition. The summons shall be served fourteen days at least before the term or day at which it is returnable, by leaving a copy thereof and of the petition, certified by the officer who serves the same, with the clerk of said town; and the court may, upon default or hearing of said town, appoint three disinterested persons who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the persons so appointed, or a major part of them, being returned into and accepted by the court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party with costs, unless one of the parties claims a trial by jury as hereinafter provided.

Assessment of damages.

Party dissatisfied may claim a trial by a jury.

SECTION 6. If either of the parties mentioned in the preceding section is dissatisfied with the amount of damage awarded, as therein expressed, such party may, at the term at which such award was accepted or the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine at the bar of said court all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of the jury, being accepted and recorded by the court, shall be final and con-

Verdict to be final.

clusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the parties respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

SECTION 7. No application shall be made to the court for the assessment of damages for the taking of any water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Damages not to be applied for, until water is diverted.

SECTION 8. In every case of a petition to the superior court for an assessment of damages, as provided in this act, the town may tender to the complainant or his attorney any sum, or may bring the same into court to be paid to the complainant for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted, and that damages may be awarded against it for the sum therein expressed, and if the complainant does not accept the sum with his costs up to that time, but proceeds in his suit, he shall be entitled to his costs up to the time of the tender of such payment into court, or offer of award, and not afterwards, unless the complainant recovers greater damages than were so offered.

Tender for damages.

SECTION 9. The town of Waltham shall not proceed nor take anything under this act by purchase or otherwise, until after the expiration of one year from its passage, nor shall this act authorize said town to take any lands, rights of way or easements, which at the expiration of said year may then have been taken by purchase or otherwise, by the city of Cambridge, under any authority now or hereafter granted to said Cambridge, to take the waters of Stony Brook and its tributaries, nor to interfere with any aqueduct, reservoir, storage basin, dam or other work which may hereafter be constructed or in process of construction by said Cambridge, under such grant: *provided, however*, that Cambridge shall, if Waltham so elects, supply to Waltham from any such reservoir or storage basin or, by agreement from any pipe, the said water from Stony Brook, or such part thereof as Waltham may desire, the same to be taken at the reservoir or pipe, and Waltham shall have the right to lay and maintain a pipe to such reservoir or pipe; and *provided*, that Cambridge shall not draw any water from said reservoir or storage basin for its own use or for the use of any other

Town not to proceed nor take anything under this act until after one year.

Provisos.

city or town except when the water is running to waste over the dam, without the consent of Waltham and Weston, and said dam shall be built and maintained by the city of Cambridge at an elevation of twenty feet above the top of the present dam on Stony Brook at Roberts' Mills.

Payments for
damages
between Cam-
bridge and
Waltham.

SECTION 10. If at the time Waltham under this act takes water from the Stony Brook or its tributaries, the city of Cambridge, under any of the acts of the year eighteen hundred and eighty-four, shall have taken the waters of Stony Brook and its tributaries, Waltham shall pay to Cambridge a fair proportion of the damages paid by the city of Cambridge, or for which said city may be liable by reason of any waters and water rights so taken by Cambridge, and if Waltham takes from any reservoir or pipes constructed by Cambridge, under the authority of the acts of the year eighteen hundred and eighty-four or any act in amendment thereof, it shall pay to Cambridge a fair proportion of the cost to Cambridge, excluding interest, of the works connected with said reservoir or pipes. If Cambridge and Waltham cannot agree as to the sums to be paid, either party may apply to the superior court, in the county of Middlesex, and the court upon such notice to the other party as it may order, shall appoint three commissioners, who shall, after reasonable notice, fix the amount to be paid, and their award or the award of a major part of them being returned into and accepted by the court shall be final, and judgment shall be rendered and execution issued thereon, and the court may award costs to either party as may seem to the court just and equitable, and execution shall issue therefor.

If Cambridge
and Waltham
fail to agree,
commissioners
to be appointed
to fix the
amount to be
paid.

Water commis-
sioners to direct
the performance
of the work.

SECTION 11. The water commissioners of said town, elected under the provisions of the three hundred and thirty-seventh chapter of the acts of the year eighteen hundred and seventy-two, shall execute, superintend and direct the performance of all the works, matters and things mentioned in this act, and exercise all the rights, powers and privileges hereby granted and not otherwise specifically provided for herein, subject to the vote of the town. The town of Waltham is authorized, if said town shall deem it expedient so to do, to supply the town of Weston with water from her present source of water supply, or from Stony Brook from the waters therein reserved for the use of the towns of Waltham and Weston.

SECTION 12. Nothing in this act contained shall be so construed as to prevent the town of Weston or any corporation created to supply said town with water, from taking so much of the waters of Stony Brook and its tributaries as may be necessary to supply the town of Weston and its inhabitants with water to extinguish fires, generate steam, for public fountains and hydrants, and for domestic and other uses: *provided*, that if said town or corporation shall take the same from any reservoir or reservoirs which may be constructed or maintained under the provisions of this act, or any act in amendment hereof, it shall from time to time pay to Waltham a fair proportion of the cost to Waltham, excluding interest, of constructing such reservoirs, but including therein the damages and costs paid by Waltham for land, water rights and easements purchased or taken therefor, or for the purposes of securing a sufficient supply of water, and preserving the purity thereof; and so long as it shall take water from any of such reservoirs it shall annually pay to Waltham a fair proportion of the expenses which that town shall reasonably incur in the maintenance of said reservoirs, and in securing and preserving the purity of the waters thereof. If Waltham and Weston, or such corporation, cannot agree as to the sums to be paid, either party may apply to the superior court in the county of Middlesex, and the court upon such notice to the other party as it may order, shall appoint three commissioners, who shall, after reasonable notice, fix the amount to be paid, and whose award or the award of a major part of whom, being returned into, and accepted by the court shall be final, and judgment shall be rendered and execution issued thereon, and the court may award costs to either party as may seem to the court just and reasonable, and execution shall issue therefor.

Town of Weston not to be prevented from having a supply of water.

Proviso.

If Waltham and Weston fail to agree, commissioners to be appointed.

SECTION 13. The said town of Waltham may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time coupon bonds, signed by the treasurer and countersigned by the selectmen of said town, to be denominated "Waltham Water Bonds," to an amount not exceeding one hundred thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding six per cent. per annum; and said town may sell said bonds at public

Waltham Water Bonds not to exceed \$100,000.

or private sale or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper.

Provisions of 1872, 337, §§ 8-12 to apply.

SECTION 14. The eighth, ninth, tenth, eleventh and twelfth sections of the three hundred and thirty-seventh chapter of the acts of the year eighteen hundred and seventy-two shall, except as herein otherwise provided, apply to this act.

Subject to acceptance by the town within one year.

SECTION 15. This act shall take effect upon its passage, but shall become void unless accepted by a majority of the legal voters of said town present and voting thereon at a legal meeting held for the purpose within one year from the passage hereof.

Approved May 21, 1884.

Chap. 258 AN ACT CONCERNING COMMITMENTS TO THE STATE WORKHOUSE

Be it enacted, etc., as follows:

Commitments to state workhouse.

SECTION 1. Persons committing the offences named in sections twenty-nine and forty-two of chapter two hundred and seven of the Public Statutes may be sentenced to the state workhouse for not less than six months nor more than two years, as is now provided in case of tramps by section thirty-eight of said chapter; and all persons who shall abscond or escape from the state almshouse, or from the state workhouse, not being sentenced inmates thereof, and within one year thereafter be found within any city or town soliciting public charity, shall be punished by imprisonment in the state workhouse for a term not exceeding one year.

Punishment for escape.

Complaints.

SECTION 2. Complaints arising under this act may be made and prosecuted by any overseer of the poor, or by the directors of public institutions in the city of Boston, or by such agents not exceeding two in number as may be appointed by the state board of health, lunacy and charity and specially designated for this purpose; and the police court of Lowell may hold sessions for the trial of such persons as are complained of, being inmates of the state almshouse, within the town of Tewksbury in the county of Middlesex, at such times as said court may appoint.

Police court of Lowell may hold sessions for trials.

Concurrent jurisdiction with certain other courts.

SECTION 3. The police court of Lowell shall have jurisdiction of the offences described in this act, concurrently with any other court having jurisdiction thereof, when committed in any part of the county of Middlesex without the district of said court, and the police court of Lawrence

and the first district court of Essex respectively shall have the same concurrent jurisdiction of said offences when committed in any part of the county of Essex without the respective districts of said courts.

SECTION 4. This act shall take effect on the first day of July next.

Approved May 22, 1884.

AN ACT TO AUTHORIZE THE REVERE WATER COMPANY TO INCREASE ITS CAPITAL STOCK, AND TO SUPPLY THE TOWN OF WINTHROP WITH WATER.

Chap. 259

Be it enacted, etc., as follows:

SECTION 1. In case the Revere Water Company, a corporation established under chapter one hundred and forty-two of the acts of the year eighteen hundred and eighty-two, shall contract with the town of Winthrop to supply said town with water for the extinguishment of fires, and for other purposes as authorized by said act, said corporation may increase its capital stock so that the same shall not exceed in all one hundred and twenty-five thousand dollars; and may, under the direction of the selectmen or road commissioners of said town, enter upon and dig up any road or way for the purpose of laying or repairing its aqueducts, pipes or other works in said town, and may distribute water through said town, and establish and collect rates therefor in like manner as by said act it is authorized to do in the town of Revere.

May increase capital stock if it contracts to supply Winthrop with water.

May enter upon and dig up roads.

SECTION 2. This act shall take effect upon its passage.

Approved May 22, 1884.

AN ACT FOR THE FURTHER RELIEF OF BAIL UPON THE DEATH OF THE PRINCIPAL.

Chap. 260

Be it enacted, etc., as follows:

Section twelve of chapter one hundred and sixty-three of the Public Statutes is hereby amended to read as follows:—*Section 12.* The bail may surrender the principal in the court when the *scire facias* is pending at any time before final judgment therein against them, and on paying the costs of the *scire facias* up to that time they shall be discharged. And in case of the death of the principal before final judgment on the *scire facias*, the bail shall also be discharged by furnishing to the court satisfactory proof of such death, and by paying all costs on the *scire facias* to that time.

Relief of bail upon death of principal.

Approved May 22, 1884.

Chap. 261 AN ACT TO AUTHORIZE AN INCREASE OF THE CAPITAL STOCK OF
THE LAMSON CASH RAILWAY COMPANY.

Be it enacted, etc., as follows:

May increase
capital stock.

Shares not to be
issued at less
than par value.

Certificate to be
filed within ten
days.

SECTION 1. The Lamson Cash Railway Company is hereby authorized to increase its capital stock from time to time by vote of its directors to an amount which together with the capital heretofore authorized shall not exceed in the aggregate two million dollars: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum to be actually paid in on each share than the par value thereof, which shall not be less than one hundred dollars; and *also provided*, that a certificate stating the amount of any such increase shall within ten days thereafter be made, signed and sworn to by its president, treasurer and a majority of its directors, and be filed in the office of the secretary of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved May 22, 1884.

Chap. 262 AN ACT TO INCORPORATE THE HOUSATONIC WATER COMPANY.

Be it enacted, etc., as follows:

Housatonic
Water Company
incorporated.

SECTION 1. Theodore Giddings, Orren C. Houghtaling, Timothy Z. Potter and their associates and successors are hereby made a corporation by the name of the Housatonic Water Company, for the purpose of furnishing the inhabitants of the village of Housatonic in the town of Great Barrington with water for the extinguishment of fires and for domestic and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

May take water
of Long Pond or
Long Lake.

SECTION 2. The said corporation for the purposes aforesaid may take by purchase or otherwise and hold all the water of Long Pond or Long Lake, so called, in the town of Great Barrington, and the water rights connected therewith, and may purchase other water sources, and may take by purchase or otherwise and hold all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to, into and through said village of Housatonic and its vicinage by a course or route commencing at or near the outlet of said Long Pond or Long Lake and following the stream therefrom or near thereto and passing thence to or near

to the village of Van Deusenville, and thence to the village of Housatonic; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, provide such means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads or public or private ways and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes, and other works and for all proper purposes of this act said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any of such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May erect dams and fixtures.

May dig up land under direction of the selectmen.

SECTION 3. The said corporation shall within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the southern district of Berkshire county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

To have recorded in the registry of deeds a description of the land taken.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on an application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for the assessment of damages shall be made for the taking of any water, water right, or for any injury

Liability for damages.

Damages not to be applied for until water is actually withdrawn.

thereto until the water is actually withdrawn or diverted by said corporation under the authority of this act.

May establish
and collect
water rates.

SECTION 5. The said corporation may distribute the water through said village of Housatonic and its vicinage and villages and other hamlets and places along its route or course from said Long Pond or Long Lake; may regulate the use of said water and establish and collect rates to be paid for the use of the same; and may make such contracts with the town of Great Barrington or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes, as may be agreed upon by said town or such fire district, individual or corporation, and said corporation.

May contract to
supply water.

Real estate and
capital stock.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount ten thousand dollars; and the whole capital stock of said corporation shall not exceed twenty thousand dollars to be divided into shares of one hundred dollars each.

Penalty for di-
verting or cor-
rupting water.]

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

May issue bonds
and secure by
mortgage.

SECTION 8. The said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

Town of Great
Barrington may
purchase fran-
chise and prop-
erty.

SECTION 9. The said town of Great Barrington and any fire district that is, or may hereafter be, established therein shall have the right, at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property and all the rights and privileges of said corporation at a price which may be mutually agreed upon between said town or such fire district and said corporation; and the said corporation is authorized to make sale of the same to said town or to such fire dis-

trict. In case said corporation and said town or such fire district are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award, when accepted by said court, shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town or such fire district, by a two thirds vote of the voters of said town or such fire district, present and voting thereon at a meeting called for that purpose.

If parties fail to agree, application may be made to S. J. C.

Subject to assent of the town by a two-thirds vote.

SECTION 10. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

Security for payment of damages may be required to be furnished.

SECTION 11. This act shall take effect upon its passage, but shall become void unless the said corporation shall be organized within three years from the passage of this act.

To be organized within three years.

Approved May 22, 1884.

AN ACT TO PROVIDE FOR PUBLIC PARKS IN THE CITY OF WORCESTER.

Chap. 263

Be it enacted, etc., as follows:

SECTION 1. The city of Worcester by its city council may at any time within one year after the passage of this act take and hold by purchase or otherwise for the purpose of public parks all or any part of the land in said city which is bounded northerly by Highland street, easterly by Park avenue and southerly and westerly by Pleasant street, and also all or any part of the land in said city bounded southerly by land of the trustees of the Worcester lunatic hospital, easterly by Lake Quinsigamond,

May take land for public parks.

northerly by Lincoln street and westerly by Lake avenue, as located by decree of the said city council dated September twenty-second, eighteen hundred and seventy-three, and with the right to appropriate a portion of the land first described to be used as a reservoir.

To file in registry of deeds a description of land taken.

SECTION 2. Said city, within sixty days after said city council votes to take any land under said act, shall file in the registry of deeds situate in the city of Worcester a description of the land taken sufficiently accurate for identification, which description shall be signed by the mayor of said city, and the title of the land taken shall vest in the said city from the time of filing such description.

City of Worcester to pay damages.

SECTION 3. The city of Worcester shall pay all damages sustained by any person or corporation by the taking of any land under this act, and if the owner of any land taken shall not agree with said city upon the damages to be paid therefor, such damages shall be assessed and determined in the manner provided where land is taken for the laying out of highways.

SECTION 4. This act shall take effect upon its passage.

Approved May 23, 1884.

Chap. 264 AN ACT TO PROTECT THE FISHERIES OF THE TOWNS OF MASHPEE AND BARNSTABLE.

Be it enacted, etc., as follows:

Fisheries regulated in Mashpee.

SECTION 1. No person not an inhabitant of the town of Mashpee shall fish for or take from the waters within said town, except Hamblin's Pond and its outlet, and excepting the trout fishery in Popponessett Bay, south of a line drawn from Gooseberry Island to Mashpee Neck, any fish, shell-fish or eels, without a written permit or lease from the selectmen of said town, stating the time, place, manner and number in which the same may be taken; nor shall any inhabitant of said town at any one time take more than three bushels of shell-fish for bait, or take any fish, shell-fish or eels for the purpose of selling the same, without a written permit from said selectmen, who may grant the same for such sum, to be paid to the use of said town, as they shall deem proper: *provided, however*, that no seining shall be allowed in any of the waters of said town; but the inhabitants of said town may take such fish, shell-fish and eels for family use without such permit, except from such fisheries as are lawfully leased by said town to others.

Seining not allowed.

SECTION 2. Whoever fishes for, takes or destroys any fish, shell-fish or eels in the waters of said town of Mashpee in violation of the provisions of this act, or otherwise than is specified in his permit, and whoever wilfully places any obstruction to, or otherwise interferes with, the free passage of fish or eels in said waters, shall for each offence be subject to a fine of not less than fifty nor more than one hundred dollars and costs of prosecution, and if he have a permit shall forfeit the same; and all fines under this act shall be paid, one-half to the town of Mashpee and one-half to the complainant. Said fine and forfeiture imposed under this act, may be recovered by complaint before any trial justice, or by indictment before any court of competent jurisdiction in Barnstable County.

Penalties.

SECTION 3. Any constable or fishwarden of said town may, without a warrant, arrest any person whom he finds in the act of fishing for, taking or destroying fish, shell-fish or eels, in violation of this act, or in the act of carrying away fish, shell-fish or eels so taken, and detain him in some place of safe keeping until a warrant can be procured against such person upon a complaint for said offences, or either of them: *provided*, that such detention shall not exceed twenty-four hours.

Constable or fishwarden may arrest without a warrant.

SECTION 4. Section one of chapter thirty-five of the acts of the year eighteen hundred and fifty-two is hereby amended so as to read as follows: — No person shall set, draw or stretch any seine or drag-net in Barnstable Harbor, Osterville Harbor, Popponessett Bay, or any of the creeks, ponds or streams within the limits of the town of Barnstable, under a penalty of not less than fifty nor more than one hundred dollars, to be recovered in any court proper to try the same, one-half to the use of said town and the other half to any person who shall prosecute therefor.

Fisheries regulated in harbors and other waters in Barnstable.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved May 24, 1884.*

Repeal.

AN ACT IN RELATION TO COMMITMENTS TO IMPRISONMENT UPON TWO OR MORE SENTENCES.

Chap. 265

Be it enacted, etc., as follows:

SECTION 1. A person upon whom two or more sentences to imprisonment have been imposed may be fully committed upon all such sentences at one and the same

Commitments upon two or more sentences.

time, and such sentences shall be served in the order named in the mittimuses upon which such person is committed.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1884.

Chap. 266 AN ACT TO AUTHORIZE THE HOLDING OF SESSIONS OF THE DISTRICT COURT OF NORTHERN BERKSHIRE AT ADAMS.

Be it enacted, etc., as follows:

Sessions at
Adams for civil
business.

SECTION 1. Sessions of the district court of northern Berkshire shall be holden at Adams on the first and third Wednesdays of each month for the transaction of civil business.

Sessions at
Adams for crim-
inal business.

SECTION 2. Sessions of said court shall be holden daily at Adams at such time as the justice of said court shall direct, by one of the special justices of said court, for the transaction of criminal business. The special justice holding said court shall keep a record of the proceedings had before him which he shall transmit to the clerk to be entered by said clerk upon the dockets and record books of said court. The special justice holding said sessions may issue under his own hand and seal all mittimuses or other warrants which may be necessary or proper in execution of the judgments rendered or sentences imposed by said justice. The special justice holding said sessions shall account with and pay over to the clerk of said court all fines, costs and fees received by said special justice.

Compensation
of special
justice.

SECTION 3. The special justice holding the sessions provided for in section second shall be paid at the rate of five hundred dollars annually from the treasury of the county of Berkshire, and the same shall be divided between said special justices in proportion to the number of sessions held by each, provided that in making such division the special justice living in North Adams shall be entitled to five cents a mile for travel out and home.

SECTION 4. This act shall take effect upon its passage.

Approved May 24, 1884.

Chap. 267 AN ACT TO AUTHORIZE THE LAYING OUT OF A WAY ON LAND HELD IN TRUST BY THE TRUSTEES OF THE TAUNTON LUNATIC HOSPITAL.

Be it enacted, etc., as follows:

Street may be
laid out through
land of lunatic
hospital in
Taunton.

SECTION 1. Authority is hereby given to lay out and construct a street or highway through land held by the trustees of the Taunton Lunatic Hospital in trust for the

Commonwealth, and along the north-westerly side thereof from Mill River in said Taunton to Danforth Street; and for this purpose such portions of said land may be taken as shall be deemed necessary.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1884.

AN ACT RELATING TO THE DISMISSAL OF ACTIONS IN WHICH THE
REAL ESTATE OF NON-RESIDENTS IS ATTACHED.

Chap. 268

Be it enacted, etc., as follows:

SECTION 1. Whenever the real estate of a non-resident is attached in any suit now pending or hereafter brought in any court in this Commonwealth, and no personal service is made upon the defendant, such suit shall be dismissed unless notice thereof is given in such manner as the court may direct within one year from the entry of the suit, or, in suits now pending, within one year from the passage of this act.

Action dismissed in case of attachment of real estate of non-resident and no personal service made upon defendant.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1884.

AN ACT FOR THE PROTECTION OF HARBORS AND NAVIGABLE
WATERS.

Chap. 269

Be it enacted, etc., as follows:

SECTION 1. Whoever wilfully and without lawful authority or license therefor, throws into or deposits in a harbor or other navigable tide waters, stones, gravel, mud, ballast, cinders, ashes, dirt or any other substance which may in any way tend to injure the navigation of such harbor or other waters, or to shoal the depth thereof, shall be punished by a fine not exceeding twenty dollars for each offence.

Protection of harbors and navigable waters.

SECTION 2. Whenever it appears to the board of harbor and land commissioners, upon complaint made to said board or otherwise, that the digging or removal of stones, gravel, sand or other material, upon or from any beach, shore, bluff, headland, island or bar, in or bordering on tide waters, or the destruction of any trees, shrubs, grass or other vegetation growing thereon, is, or is likely to prove, injurious to any harbor or other navigable tide waters, said board may, by notice in writing to any person or persons, prohibit such digging or removal, or the doing of any acts injurious to such trees or other vegetation, upon or from any such beach or other place aforesaid specified

Removal of sand and gravel may be prohibited by harbor and land commissioners.

Penalty. in such notice. Whoever, after receiving such notice, wilfully does any act or thing prohibited therein, and which is authorized to be so prohibited by this section, or, being the owner or having the control of any land specified in such notice, wilfully suffers or permits such act or thing to be done thereon, shall be punished by a fine not exceeding twenty dollars for each offence.

Approved May 24, 1884.

Chap.270 AN ACT TO INCORPORATE THE BROCKTON REAL ESTATE AND IMPROVEMENT COMPANY.

Be it enacted, etc., as follows:

Corporators. SECTION 1. Ira Copeland, Joseph C. Snow and Cushing C. Harlow, their associates and successors, are hereby made a corporation for the term of twenty years from the date of the passage of this act, by the name of the Brockton Real Estate and Improvement Company, to be located in the city of Brockton, for the purpose of buying, improving and selling certain real estate in said city, lying between Centre Street on the north and Curtis Street on the south, and being the same shown on a plan of Salisbury Heights, city of Brockton, filed with plans in Plymouth county registry of deeds, not exceeding fifty acres; with all the powers, rights and privileges and subject to all the duties, limitations and restrictions of corporations, subject to chapters one hundred and five and one hundred and six of the Public Statutes, and to all general laws which now are or hereafter may be in force so far as they may be applicable.

Capital stock and shares. SECTION 2. The capital stock of said corporation shall be five thousand dollars, divided into shares of one hundred dollars each; and may be increased from time to time to an amount not exceeding two hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved May 24, 1884.

Chap.271 AN ACT TO INCORPORATE THE FRAMINGHAM WATER COMPANY.

Be it enacted, etc., as follows:

Framingham Water Company incorporated. SECTION 1. Constantine C. Esty, Walter Adams, Luther F. Fuller, Joseph B. Johnson, William Claffin, Albert L. Coolidge, George H. Norman, Sidney A. Phillips and George C. Travis, their associates and successors,

are hereby made a corporation by the name of the Framingham Water Company for the purpose of furnishing the town of Framingham and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other purposes, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

SECTION 2. Said corporation shall have all the rights which belong to the town of Framingham and the inhabitants thereof, or which have been granted to, or have been reserved by and to, the said town and inhabitants, to take, use and hold of the waters of Farm Pond and Sudbury River in said Framingham, and the waters flowing into said Farm Pond and Sudbury River, so much as may be necessary for the purposes specified in section one of this act, and may convey into and through said town of Framingham said waters; and may also take and hold, by purchase or otherwise, all necessary lands for raising, diverting, flowing and holding said waters, and securing and preserving the purity of the same, and such other lands in said town of Framingham as may be necessary to construct and maintain one or more storing and distributing reservoirs; and may erect on said land proper dams, buildings, fixtures and other structures, and make thereon excavations and embankments, and procure and run machinery, with such other means and appliances as may be necessary for complete and effective water works; and for such purposes may construct and lay down conduits, pipes and drains in, under or over any lands, water courses, roads or railroads, and along any street, highway, alley or other way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other purposes of this act, may dig up, raise and embank any such lands, street, highway, alley, or other way, in such manner as to cause the least hindrance to travel thereon; and in general may do any other acts and things necessary, convenient or proper for carrying out the purposes of this act.

May take waters of Farm Pond and Sudbury River in Framingham.

May take land by purchase or otherwise.

May lay down conduits and pipes.

May dig up streets and ways.

SECTION 3. Said corporation shall, within sixty days after the taking of any land, water, water sources, water rights and easements, under the provisions of this act, otherwise than by purchase, file and cause to be recorded

To have recorded in the registry of deeds a description of land, etc., taken.

Damages may be assessed by a jury.

in the registry of deeds of the county and district where the lands lie, a description of any land, water, water sources, water rights and easements so taken, sufficiently accurate for identification, with a statement of the purposes for which they are so taken, and the title of the land, water, water sources, water rights and easements so taken shall vest in said corporation. Any person or corporation injured in property by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for the laying out of highways; and no suit for injury done under this act shall be brought after three years from the date of the doing of the injury.

May fix and collect water rates.

SECTION 4. Said corporation may distribute the water through said town of Framingham or any part thereof, may establish and fix from time to time rates for the use of said water, and collect the same, and make such contracts with the said town of Framingham, or with individuals or corporations, to supply water for the extinguishment of fires or for other purposes, as may be agreed upon by said town, or individuals or corporations, and said corporation. The town of Framingham by a majority vote of the legal voters, present and voting thereon at a town meeting called for that purpose, is hereby authorized to contract for a supply of water for the extinguishment of fires or other purposes for a term of years with said Framingham Water Company.

Town may contract with company for a water supply.

Capital stock and shares.

SECTION 5. The capital stock of said corporation shall not exceed two hundred and fifty thousand dollars and shall be divided into shares of one hundred dollars each; and said corporation may at any time issue bonds to be denominated on the face thereof "Framingham Water Company Bonds," to an amount equal to the capital stock actually paid in and expended for the purposes of this act.

Penalty for diverting or corrupting water.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam or aqueduct, pipe, conduit, hydrant, machinery, or other works or property held, owned or used by said corporation, under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of

damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid shall be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

SECTION 7. The town of Framingham shall have the right at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company, at a price which may be mutually agreed upon between said corporation and the said town of Framingham; and the said corporation is authorized to make sale of the same to the said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award, when accepted by the court, shall be binding upon both parties. And this authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon, at a town meeting called for that purpose, before the appointment of said commissioners.

Town may purchase franchise and property.

Commissioners to be appointed, if parties fail to agree upon price.

SECTION 8. For the purpose of defraying the cost of such property, lands, water and water rights as shall be purchased for the purposes aforesaid, the town of Framingham through its treasurer may from time to time issue notes, bonds, scrip, or certificates of debt, to be denominated on the face thereof "Framingham Water Loan," to any amount not exceeding the amount paid by the town for said purchase, and bearing interest at a rate not exceeding six per centum per annum payable semi-annually, and the principal being payable at periods of not more than thirty years from the issue of said notes, bonds, scrip or certificates of debt, respectively. Said treasurer, under the authority of the town, may sell such notes, bonds, scrip or certificates of debt, or any part thereof, at not less than par, from time to time, or pledge the same for any money borrowed for the purposes aforesaid, on such terms and conditions as may be prescribed by the town; and said town shall annually raise by taxation an amount sufficient, together with the net income received from rates for the use of said water, to pay the interest on said loans as it accrues; and shall establish at the time of con-

Framingham Water Loan.

Town to raise, annually, by taxation sufficient to pay interest on loans. Sinking fund.

tracting said debt a sinking fund, and contribute thereto from year to year an amount raised by taxation not exceeding ten thousand dollars in any one year, sufficient with its accumulations to extinguish the debt at maturity; said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose.

Rights to be exercised in such manner as town may direct.

SECTION 9. In case the town of Framingham shall purchase the property, rights, privileges and franchises of the corporation established by this act, the said town shall exercise all the rights, powers and authority and be subject to all the restrictions, duties and liabilities herein contained, in such manner and by such officers, servants or agents as said town may direct, and the said town shall be liable to damages for land taken for the purposes set forth in this act which shall not have been previously paid by said corporation.

Work to be commenced within three years.

SECTION 10. This act shall be null and void unless within three years from its passage said corporation shall avail itself of its provisions, and commence a prosecution of the work herein authorized.

Corporation to furnish security for damages if required.

SECTION 11. The owners of lands, water, water sources, water rights or easements, taken under this act by said corporation, upon application by either party for an estimate of damages, may require said corporation to give security, satisfactory to the selectmen of said town, for the payment of all damages and costs which may be awarded to them for the land or other property taken. And if upon petition of the owner, with notice to the adverse party, the security appears to the selectmen of said town to have become insufficient, they shall require said corporation to give further security to their satisfaction; and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

Town to transfer to corporation rights to take water from Farm Pond and Sudbury River.

SECTION 12. The town of Framingham shall at a legal town meeting called for the purpose, authorize its selectmen to transfer to the within named water company all the rights which belong to said town to take, use and hold the waters of Farm Pond and Sudbury River, on such terms as said selectmen and said water company may agree upon, and upon such transfer said town shall have no right to take the waters of Farm Pond and Sudbury

River except as provided in this act in section seven, by which the town of Framingham may purchase the corporate property and all the rights and privileges of said company,

SECTION 13. In case the town of Framingham shall at a town meeting called for that purpose, within thirty days from the day of the passage of this act, vote to construct the water works contemplated in chapter two hundred and six of the acts of the year eighteen hundred and eighty-one, and to raise and appropriate the money necessary therefor, this act shall be void; otherwise this act shall take full force and effect at and upon the expiration of said thirty days.

When and upon what conditions to take effect.

Approved May 24, 1884.

AN ACT TO PREVENT THE BUILDING AND MAINTAINING OF BARBED WIRE FENCES ALONG OR UPON PUBLIC STREETS AND HIGHWAYS.

Chap. 272

Be it enacted, etc., as follows:

SECTION 1. No barbed wire fence shall be hereafter built or maintained within six feet above the ground along any sidewalk located on or upon any public street or highway.

Forbidden within six feet above the ground along a sidewalk.

SECTION 2. Any person offending against the provision of this act shall be punished by a fine not less than twenty dollars nor more than fifty dollars.

Penalty.

Approved May 27, 1884.

AN ACT TO INCORPORATE THE SOMERVILLE WHARF AND IMPROVEMENT COMPANY.

Chap. 273

Be it enacted, etc., as follows:

SECTION 1. Franklin O. Reed, Josiah T. Reed, Samuel D. Sawin, George Wheatland, James W. Roberts, Peter S. Roberts, Solomon Parsons, Horatio G. Parker, their associates and successors, are made a corporation for the term of thirty years from the date of the passage of this act, by the name of the Somerville Wharf and Improvement Company, for the purpose of buying, improving and selling, all or any part of that tract of land and flats situated in Somerville in this Commonwealth, bounded south-westerly by Mystic Avenue, north-westerly by the Medford line, north-easterly by the Mystic River, and easterly by the Boston and Maine Railroad, containing about two hundred acres; with all the powers, rights and privileges, and subject to all the duties,

Corporators.

Name and purpose.

Powers and duties.

limitations and restrictions of corporations subject to chapters one hundred and five and one hundred and six of the Public Statutes, and to all general laws which now are or hereafter may be in force so far as they may be applicable.

May construct wharves and fill and grade lands.

Provisos.

SECTION 2. The said corporation shall have authority to construct docks and wharves upon, fill, grade and otherwise improve, such land and flats as it shall deem expedient: *provided*, that no canal shall be constructed thereon without the consent of the city of Somerville; *and provided also*, that all authority herein granted to build structures upon or fill up any of such land and flats over which the tide ebbs or flows is granted to said corporation subject to the provisions of chapter nineteen of the Public Statutes.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall be six hundred thousand dollars, divided into shares of one hundred dollars each; and may be increased from time to time to an amount not exceeding one million dollars.

SECTION 4. This act shall take effect upon its passage.

Approved May 27, 1884.

Chap. 274 AN ACT IN RELATION TO THE CAPE COD SHIP CANAL COMPANY.

Be it enacted, etc., as follows:

May vary location of canal.

SECTION 1. The Cape Cod Ship Canal Company, within six months from the passage of this act, may vary the location of its canal, by altering the route thereof at or near Monument Station, so called, and thence extending the same to Buzzard's Bay through Back River, so called, and may make other changes in its location, as already filed, subject to the provisions of this section. It shall pay all damages occasioned by laying out, making and maintaining its canal, or by taking land or materials therefor, and such damages on the application of either party shall be estimated by the county commissioners in the manner provided with reference to the laying out of railroads. Either party dissatisfied with the estimate of the county commissioners may, at any time within one year after it is completed and returned, apply by petition to the superior court for Barnstable County for a jury to assess the damages, and like proceedings shall be had thereon as in proceedings for damages for laying out of rail-

Damages to be estimated by county commissioners.

Party dissatisfied may apply for a jury.

roads. Upon application to the county commissioners by either party for an estimate of damages, they shall, if requested by the owner, require the corporation to give security to their satisfaction for the payment of all damages and costs which may be awarded by them or by a jury for the land or other property taken ; and if upon petition of the owner, and notice to the adverse party, the security appears to them to have become insufficient, they shall require the corporation to give further security to their satisfaction ; and all its right or authority to enter upon or use the land or other property, except for making surveys, shall be suspended until it gives the security required. Said canal company may file with the county commissioners of the county of Barnstable a written withdrawal of any part or parts of the original location, describing the same by metes and bounds, and so far as the land or other property covered by said written withdrawal is concerned, damages may be recovered to the extent that any person has been injured by the proceedings in the manner herein before provided.

Security for payment of damages may be required to be furnished.

May file a withdrawal of any part of the original location.

SECTION 2. Section seven of chapter two hundred and fifty-nine of the acts of the year eighteen hundred and eighty-three is hereby amended so as to read as follows :

Amendment to 1883, 259, § 7.

—*Section 7.* It shall be the duty of the Old Colony Railroad Company so to alter its location as to cross the said canal at such point or points as said railroad company and said canal company may agree upon, or as a board of three commissioners, to be appointed by the governor, with the advice and consent of the council, after due notice and a public hearing, shall determine ; and no member of said board shall be a member of any of the present boards of commissioners of this Commonwealth ; and said board shall also determine the question whether said canal shall be crossed by a public highway, and if so at what point and in what manner ; and in determining said questions said board shall consider the obstruction of traffic upon said canal and the general public convenience, and if such public highway is ordered, said company shall construct the same at the point and in the manner so determined. The board of railroad commissioners, after due notice to all parties interested and hearing of all who shall appear, shall also determine and prescribe in writing the time when and the manner in which the Old Colony Railroad Company shall alter its location so as to cross

Old Colony Railroad to alter its location.

Railroad commissioners to determine concerning crossing canal by railroad.

Canal Company
to build railroad
upon new loca-
tion, pay dam-
ages, etc.

To maintain
bridges across
canal for the
passing of the
railroad.

Superintendent
appointed by
the railroad to
have control of
bridge and
draw.

said canal at such point or points; and in making such alterations said railroad corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws relating to railroads, except that the damages of land owners shall be assessed only against and paid by said canal company, as in case of land taken for railroad purposes. The Cape Cod Ship Canal Company shall thereupon proceed to build the railroad upon the new location and complete the same in such manner and at such time as may be prescribed by the railroad commissioners, and to their satisfaction, in case the parties do not agree upon the same; and shall pay all damages caused by the construction of said railroad upon such new location, and shall be liable for such damages as in the case of the construction of railroads. Until the completion of the new location, said canal company shall not enter upon the old location of said railroad, except for making surveys or by consent of the railroad commissioners. If by reason of the increased length of the line of said railroad there shall be any legal liability to damages on the part of said canal company, the same shall be ascertained and determined upon application of either party in the manner provided by law for estimating the damages occasioned by the laying out of railroads. The Cape Cod Ship Canal Company shall also build and maintain and keep in repair a bridge or bridges across said canal, suitable for the passing of the railroad, which said bridges shall each have a suitable draw for the passage of vessels, and shall be constructed and maintained under the supervision of the board of railroad commissioners, and one of which, if said special commission shall so prescribe, shall be suitable for the passage of the highway. Said railroad company shall appoint a steady and discreet superintendent, and all necessary assistants for each drawbridge, who shall be paid by said canal company a reasonable compensation, to be fixed by the railroad commissioners. Said superintendent shall have full control and direction of the passing of vessels through the draw, and of trains over the bridge, and with said assistants shall be subject to such rules and regulations, not inconsistent with law, as said railroad and canal company shall from time to time prescribe for the operation of said bridge; but such rules and regulations shall be subject to approval and alteration by the said

board of railroad commissioners. And said superintendent and assistants shall be subject to removal by said board of railroad commissioners.

SECTION 3. Section nine of chapter two hundred and fifty-nine of the acts of the year eighteen hundred and eighty-three is hereby amended by adding at the end thereof the words:—And the land upon the abandoned location of the Old Colony Railroad Company shall thereupon become the property of said canal company so far as the same may be within the limits of the location of the canal.

Land upon abandoned location to belong to canal company.

SECTION 4. Section thirteen of chapter two hundred and fifty-nine of the acts of the year eighteen hundred and eighty-three is amended so as to read as follows:—*Section 13.* The said canal company shall provide and maintain at Monument, North Sandwich and at West Sandwich, at such points as may be designated by the county commissioners, suitable ferries across their canal for passengers and teams, to be operated free from tolls, under rules to be established by the county commissioners. Said canal company shall forfeit fifty dollars for each day it shall fail to provide and maintain such ferries, to be recovered upon complaint or indictment in the county of Barnstable to the use of said county.

Ferries at Monument, North Sandwich and West Sandwich.

SECTION 5. The said canal company shall also construct such highways to connect with the bridge and ferries provided for in section thirteen of chapter two hundred and fifty-nine of the acts of the year eighteen hundred and eighty-three as amended by section four of this act, and such other highways as may be necessary to replace the highways destroyed by the construction of said canal in such manner and at such times as the county commissioners for the county of Barnstable shall prescribe, upon each side of said ferries. After the completion of such highways and their acceptance by the said county commissioners the said canal company shall not be responsible in any manner for the further maintenance of the same.

Highways to be constructed.

SECTION 6. Said corporation shall not be required to pay any state or local taxes for five years from the passage of this act.

Not to pay taxes for five years.

SECTION 7. Section two of chapter two hundred and fifty-nine of the acts of the year eighteen hundred and eighty-three is amended by adding at the end thereof the following words:—Said canal shall not be opened for pub-

Not to be opened until harbor and land commissioners certify that laws have been complied with.

Locks in the canal.

Canal company to pay for services and expenses of engineers.

Disposition of materials excavated.

Charter, location, etc., ratified and affirmed.

Stock not to be issued until five miles completed.

Provisions of P. S. 112, § 61, to apply.

Not to prevent any change of plan imposed by the United States.

lic use until the board of harbor and land commissioners after an examination shall certify that all laws relating to its construction have been complied with, and that it appears to be in a safe condition for operation. But nothing herein contained shall be so construed as to require the building of locks in said canal unless a board of three competent engineers, appointed by the governor, with the advice and consent of the council, shall decide that they are necessary for the protection of the bridge or bridges. The compensation of said engineers shall be fixed by the governor and council, and paid by the treasurer of the Commonwealth. Said canal company shall pay to the treasurer of the Commonwealth such sum of money as shall be necessary to pay for the services and expenses of said board of engineers. The materials excavated from the tide waters in Buzzard's Bay and Barnstable Bay shall be so disposed of, under the direction of the harbor and land commissioners, as not to interfere with the fishing interests, and the material excavated shall be deposited within the limits of the location of the canal as far as practicable.

SECTION 8. The charter, corporate existence, organization and location of said canal company are hereby recognized, ratified and affirmed. But except that the canal company shall so change the existing contract for the building of the canal as to make the same apply to any lawful change in the location thereof, the said existing contract shall not be annulled nor altered, either as to the price to be paid for said building or in any other particular, except with the approval of the board of harbor and land commissioners; and no stock shall be issued to the contractor or any other person under said contract until five miles of said canal shall have been completed pursuant to its terms.

SECTION 9. The provisions of section sixty-one of chapter one hundred and twelve of the Public Statutes shall apply to said Cape Cod Ship Canal Company.

SECTION 10. Nothing herein, or in chapter two hundred and fifty-nine of the acts of the year eighteen hundred and eighty-three, shall be construed to prevent or forbid any change or modification of the plan or details of the construction of said canal or the works connected therewith which may be required or imposed by the United

States, or the authorities thereof, upon aiding the construction of said canal or works.

SECTION 11. To defray the expenses and recompense the services of the county commissioners under the charter of said canal company and this act, it shall be the duty of said canal company to pay each of said commissioners the sum of six dollars per day for the time actually consumed in discharging their duties: *provided, however*, that said canal company shall not be required to pay either of said commissioners for more than fifty days' service in any year.

Compensation of county commissioners.

SECTION 12. The commissioners to be appointed by the governor, with the advice and consent of the council, as provided in section seven of chapter two hundred and fifty-nine of the acts of the year eighteen hundred and eighty-three as amended by section two of this act, shall be paid in the manner provided for the payment of the board of engineers appointed under section two of said chapter two hundred and fifty-nine as amended by section seven of this act.

Compensation of commissioners appointed by governor.

SECTION 13. Section fourteen of chapter two hundred and fifty-nine of the acts of the year eighteen hundred and eighty-three is hereby repealed.

Repeal.

SECTION 14. This act shall be void unless accepted by the Cape Cod Ship Canal Company within six months from its passage, which acceptance shall be certified to the secretary of the Commonwealth.

To be accepted within six months.

Approved May 27, 1884.

AN ACT RELATING TO THE EMPLOYMENT OF MINORS IN MERCANTILE ESTABLISHMENTS.

Chap. 275

Be it enacted, etc., as follows:

SECTION 1. No minor under eighteen years of age shall be employed in laboring in any mercantile establishment more than sixty hours in any one week.

Not to be employed more than sixty hours in one week.

SECTION 2. Whoever, either for himself, or as superintendent, overseer or other agent for another, employs or has in his employment any person in violation of the provisions of the preceding section, or who fails to post the notice required in section third, and any parent or guardian who permits any minor to be so employed shall be punished by a fine of not less than fifty nor more than one hundred dollars for each offence. Said penalty shall extend to corporations. A certificate of age of a minor,

Penalty.

Penalty to extend to corporations.

made and sworn to by him and by his parent or guardian at the time of his employment in a mercantile establishment, shall be *prima facie* evidence of his age in any trial for a violation of the preceding section.

Printed notice of hours of labor required to be posted up.

SECTION 3. Every employer shall post in one or more conspicuous places where such persons are employed a printed notice stating the number of hours' work required of them, not exceeding ten hours in any one day, on each day of the week; and the employment of any such person for a longer time in any day than that so stated shall be deemed a violation of this act, unless it appears that such employment is to make up for time lost on some previous day of the same week.

Provisions of P. S. 74, § 4, not to apply to mercantile establishments.

SECTION 4. Section four of chapter seventy-four of the Public Statutes as amended by chapter one hundred and fifty-seven of the acts of the year eighteen hundred and eighty-three shall not apply to mercantile establishments.

Approved May 27, 1884.

Chap. 276 AN ACT TO PROVIDE FOR THE FILLING OF VACANCIES IN THE SCHOOL COMMITTEE OF THE CITY OF SALEM.

Be it enacted, etc., as follows:

Vacancies in school committee.

SECTION 1. The provisions of sections twenty-two, twenty-three and twenty-four of chapter forty-four of the Public Statutes shall apply to vacancies occurring in the school committee of the city of Salem.

Repeal.

SECTION. 2. So much of chapter one hundred and twenty-nine of the acts of the year one thousand eight hundred and fifty-eight as provides for the filling of vacancies in the school committee in the city of Salem is repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 27, 1884.

Chap. 277 AN ACT TO PREVENT THE SALE OR EXCHANGE OF PROPERTY UNDER THE INDUCEMENT THAT A GIFT OR PRIZE IS TO BE PART OF THE TRANSACTION.

Be it enacted, etc., as follows:

Gift enterprises forbidden.

SECTION 1. No person shall sell, exchange or dispose of any property, or offer or attempt to do so upon any representation, advertisement, notice or inducement that anything other than what is specifically stated to be the subject of the sale or exchange, is, or is to be delivered

or received, or in any way connected with, or a part of the transaction.

SECTION 2. Whoever violates any provision of the preceding section shall for each offence be punished by fine not less than ten nor more than five hundred dollars. Penalty.

Approved May 27, 1884.

AN ACT IN RELATION TO NAMES OF PUBLIC WAYS IN THE CITY OF *Chap.278*
BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The first section of chapter sixty-seven of the acts of the year eighteen hundred and eighty relating to names of public ways in the city of Boston is hereby amended by inserting after the word "may" in the seventh line the words "in the discretion of the board of street commissioners of said city." Names of public ways in Boston.

SECTION 2. The second section of said chapter sixty-seven is hereby amended by adding after the word "board" in the third line thereof the words "after a hearing upon a public notice stating the name proposed to be given." Hearing to be had.

SECTION 3. This act shall take effect upon its passage.

Approved May 27, 1884.

AN ACT TO PERMIT THE CONSTRUCTION OF BRANCH RAILROADS *Chap.279*
WITHIN EIGHT MILES FROM THE STATE HOUSE.

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and thirty-nine of chapter one hundred and twelve of the Public Statutes is hereby amended by striking out in the ninth and tenth lines thereof the words "shall authorize the construction of a branch railroad within eight miles from the state house or." Construction of branch railroads within eight miles from state house, not prohibited.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1884.

AN ACT TO EXTEND THE PROVISIONS OF CHAPTER FIFTY-ONE OF THE PUBLIC STATUTES, RELATING TO THE ASSESSMENT OF BET- *Chap.280*
TERMENTS.

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter fifty-one of the Public Statutes shall apply to any alteration of a highway, town way, bridge or its approaches made in pursuance of Betterments. Railroad crossings.

sections one hundred and twenty-nine to one hundred and thirty-four inclusive of chapter one hundred and twelve of the Public Statutes and any acts in addition thereto.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1884.

Chap. 281 AN ACT AUTHORIZING THE CITY OF LYNN TO SUPPLY THE TOWN OF NAHANT WITH WATER

Be it enacted, etc., as follows:

May supply Nahant with water.

SECTION 1. The city of Lynn is hereby authorized to furnish from its water supply to the town of Nahant or the inhabitants of said town, a supply of water for the extinguishment of fires, for domestic and other purposes, and may contract with said town of Nahant for such supply of water, for a term of years, on such terms as may be agreed upon between the authorities of the two municipalities: *provided, however*, that the rate charged for all purposes to said town of Nahant shall not be more favorable than to the residents of the city of Lynn; *and provided*, that no water which is needed for the use of the residents of the city of Lynn shall be so furnished.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1884.

Chap. 282 AN ACT FOR THE PROTECTION OF GAME IN THE PONDS KNOWN AS COCKEAST OR DAVOL'S POND, AND RICHMOND'S POND, SITUATED BETWEEN THE WESTPORT RIVER AND THE RHODE ISLAND BOUNDARY LINE.

Be it enacted, etc., as follows:

Wild fowl protected at Cockeast, Davol's and Richmond's Ponds, under penalty.

SECTION 1. Any person shooting any wild duck or fowl of any description whatsoever, such person being at the time of such shooting, afloat upon the waters of the ponds known as "Cockeast" or "Davol's" and "Richmond's" or either of them, in any boat, raft or float whatsoever, shall be fined twenty-five dollars for each offence.

Penalty for using boats for driving fowl.

SECTION 2. Any person using a boat, raft or float of any description whatsoever, upon either of the said ponds, for the purpose of driving or causing any wild duck or fowl of any description whatsoever to approach within shooting distance of any person upon land, shall be fined twenty-five dollars for each offence.

Town of Westport to appoint a constable to enforce the law.

SECTION 3. The town of Westport at its annual town meeting shall appoint a special constable, whose duties

shall be to see that this act is not violated. Such constable shall be without charge to any town, and shall receive for his compensation one half of every fine which shall be paid by any party convicted under this act, upon complaint of said constable; the other half of said fine to be paid to the treasurer of the county of Bristol.

SECTION 4. The second district court of Bristol shall have jurisdiction over all offences arising under this act.

Second district court of Bristol to have jurisdiction.

Approved May 27, 1884.

AN ACT AUTHORIZING THE CITY OF LYNN TO SUPPLY THE TOWN
OF SWAMPSCOTT WITH WATER.

Chap. 283.

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn is hereby authorized to furnish from its water supply to the town of Swampscott or the inhabitants of said town, a supply of water for the extinguishment of fires, for domestic and other purposes, and may contract with said town of Swampscott for such supply of water, for a term of years, on such terms as may be agreed upon between the authorities of the two municipalities: *provided, however*, that the rate charged for all purposes to said town of Swampscott shall not be more favorable than to the residents of the city of Lynn; *and provided*, that no water which is needed for the use of residents of the city of Lynn shall be so furnished.

May supply Swampscott with water.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1884.

AN ACT RELATING TO THE PLANTING AND GROWING OF OYSTERS.

Chap. 284

Be it enacted, etc., as follows:

SECTION 1. The provisions of sections ninety-seven, ninety-eight, ninety-nine, one hundred and one hundred and one of chapter ninety-one of the Public Statutes relating to the planting and growing of oysters are hereby extended so as to apply to any waters where there is no natural oyster bed, not however impairing the private rights of any person, and not materially obstructing any navigable waters.

Protection to planting and growing of oysters where there is no natural oyster bed.

SECTION 2. Section ninety-seven of said chapter ninety-one is hereby amended by striking out the word "twenty" in the third line and inserting in place thereof the word "ten."

License to plant not to exceed ten years.

SECTION 3. This act shall take effect upon its passage.

Approved May 28, 1884.

Chap.285 AN ACT CONCERNING SUITS IN EQUITY TO REACH AND APPLY THE PROPERTY OF A DEBTOR.

Be it enacted, etc., as follows :

Bill in equity may be maintained, although plaintiff's debt does not equal one hundred dollars.

SECTION 1. A bill in equity may be maintained to reach and apply in payment of a debt any property of a debtor, as provided by clause eleven of section two of chapter one hundred and fifty-one of the Public Statutes, notwithstanding the fact that the plaintiff's debt does not equal one hundred dollars in amount, or that the property sought to be reached and applied is in the hands, possession or control of the debtor independently of any other person, or that it is not within the state, or that it is of uncertain value, provided the value can be ascertained by a sale or appraisal, or by any means within the ordinary procedure of the court, or that it cannot be reached and applied until a future time.

Interest in partnership property may be reached.

Business not to be interfered with unless debt is in judgment.

Proviso.

SECTION 2. In such suit the interest of a co-partner in the partnership property may be reached and applied to payment of the plaintiff's debt: *provided, however*, that unless the plaintiff's debt is in judgment, the business of the partnership shall not be interfered with by injunction or otherwise farther than to restrain the withdrawal of any portion of the debtor's share or interest therein, unless and until the plaintiff's debt is established; *and provided further*, that if either co-partner shall give to the plaintiff a sufficient bond with sureties approved by the clerk, conditioned to pay to the plaintiff the amount of his debt and costs within thirty days after the same is established, the court shall proceed no further therein save to establish the debt; and any injunction previously issued therein shall be dissolved upon the filing of such bond.

SECTION 3. This act shall take effect upon its passage.

Approved May 28, 1884.

Chap.286 AN ACT RELATING TO WARRANTS ISSUED BY JUSTICES OF THE PEACE.

Be it enacted, etc., as follows :

Justices of the peace designated to issue warrants and take bail.

Section four of chapter one hundred and fifty-five of the Public Statutes is hereby amended so as to read as follows, namely :—The governor, with the advice and consent of the council, may from time to time, upon the petition of the selectmen of a town included within the judicial district of a district or police court, and in which neither a justice

nor the clerk of such court resides, designate and commission some justice of the peace residing in said town, who may issue warrants returnable to said court in criminal cases arising within such judicial district, and take bail therein.

Approved May 28, 1884.

AN ACT RELATING TO THE TAXATION OF BUILDINGS AND STRUCTURES UPON THE GROUNDS OCCUPIED BY THE NEW ENGLAND SPIRITUALISTS' CAMP MEETING ASSOCIATION.

Chap. 287

Be it enacted, etc., as follows:

SECTION 1. All buildings, booths or tents erected on or affixed to the grounds occupied by the New England Spiritualists' Camp Meeting Association at Lake Pleasant in the town of Montague, may for the purposes of taxation be considered real estate and taxed as such to the owners, separate from the land on which they stand. All acts relating to the assessment and collection of taxes upon real estate and redemption of titles, in the event of sale by the collector of taxes shall apply to the estates to which this act relates.

Buildings, booths, etc., may be taxed as real estate separate from the land.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1884.

AN ACT TO AUTHORIZE AND REQUIRE THE COUNTY COMMISSIONERS OF PLYMOUTH COUNTY TO ENLARGE AND REMODEL THE JAIL AND HOUSE OF CORRECTION AT PLYMOUTH.

Chap. 288

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Plymouth are hereby authorized and required to enlarge, remodel and improve the jail and house of correction at Plymouth, at an expense not exceeding thirty thousand dollars, and for said purposes to borrow on the credit of the county a sum not exceeding thirty thousand dollars. They may employ the convicts in said house of correction so far as their labor may be used to advantage.

Jail and house of correction may be enlarged.

SECTION 2. Said commissioners are hereby also authorized to sell, convey or remove the whole or any portion of the present jail and house of correction, or use the materials thereof in the new structure: *provided*, that said county commissioners shall not expend any part of said sum until they have obtained estimates from competent experts showing that the whole amount required to fully enlarge, remodel and improve said jail and house of correction

Convicts may be employed.

Present structure may be sold or removed.

Estimates to be procured that costs will not exceed \$30,000.

and fit the same for occupancy will not exceed said sum of thirty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved May 28, 1884.

Chap. 289 AN ACT RELATING TO THE ADULTERATION OF FOOD AND DRUGS.

Be it enacted, etc., as follows:

Annual expenditure not to exceed \$10,000.

SECTION 1. For the purpose of carrying out the provisions of chapter two hundred and sixty-three of the acts of the year eighteen hundred and eighty-two, the state board of health, lunacy and charity may expend annually an amount not exceeding ten thousand dollars: *provided, however,* that not less than three-fifths of said amount shall be annually expended for the enforcement of the laws against the adulteration of milk and milk products.

Proviso.

Annual report of prosecutions.

SECTION 2. The state board of health, lunacy and charity shall report annually to the legislature the number of prosecutions made under said chapter, and an itemized account of all money expended in carrying out the provisions thereof.

Powers of inspectors.

SECTION 3. An inspector appointed under the provisions of said chapter two hundred and sixty-three of the acts of the year eighteen hundred and eighty-two shall have the same powers and authority conferred upon a city or town inspector by section two of chapter fifty-seven of the Public Statutes.

P. S. 57, not amended by 1882, 263.

SECTION 4. Nothing contained in chapter two hundred and sixty-three of the acts of the year eighteen hundred and eighty-two shall be in any way construed as repealing or amending anything contained in chapter fifty-seven of the Public Statutes.

Amendments to 1882, 263.

SECTION 5. Chapter two hundred and sixty-three of the acts of the year eighteen hundred and eighty-two is hereby amended by striking out all of section three after the words "person consuming it," in clause (7.) of paragraph (b.) and also by striking out section four, and inserting in place thereof the following:—The provisions of this act shall not apply to mixtures or compounds, recognized as ordinary articles of food or drinks, provided that the same are not injurious to health and are distinctly labelled as mixtures or compounds. And no prosecution shall at any time be maintained under said act concerning any drug the standard of strength or purity whereof has been raised since the issue of the last edition of the

U. S. Pharmacopœia.

United States Pharmacopœia, unless and until such change of standard has been published throughout the Commonwealth.

SECTION 6. Chapter two hundred and sixty-three of the acts of the year eighteen hundred and eighty-three is hereby repealed. Repeal.

SECTION 7. Section three of chapter two hundred and sixty-three of the acts of eighteen hundred and eighty-two is hereby amended by adding after the word “therein” in the sixth line as follows:—Unless the order calls for an article inferior to such standard, or unless such difference is made known or so appears to the purchaser at the time of such sale. Amendment to 1882, 263, § 3.

SECTION 8. Before commencing the analysis of any sample the person making the same shall reserve a portion which shall be sealed; and in case of a complaint against any person the reserved portion of the sample alleged to be adulterated shall upon application be delivered to the defendant or his attorney. Portion of sample reserved for analysis to be reserved.

SECTION 9. This act shall take effect upon its passage.

Approved May 28, 1884.

AN ACT TO AUTHORIZE THE TAKING BY THE COMMONWEALTH OF CERTAIN LANDS AND FLATS IN SOUTH BOSTON. *Chap. 290*

Be it enacted, etc., as follows:

SECTION 1. For the purposes of the reclamation of the Commonwealth's flats at South Boston and the improvement of Boston harbor contemplated and authorized by chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-five, and with a view to the completing and perfecting of the title of the Commonwealth in and to the lands and flats on the northerly shore of South Boston which were authorized to be purchased for and in the name of the Commonwealth by chapter four hundred and forty-six of the acts of the year eighteen hundred and sixty-nine, the board of harbor and land commissioners is hereby authorized to take, in the name and behalf of the Commonwealth, the whole or any part or parts of the lands and flats so authorized to be purchased, excepting the portions thereof which lie south of the southerly line of Cypher Street, so called, and west of the easterly line of B Street, so called, in said South Boston. Lands and flats in South Boston may be taken by the Commonwealth.

SECTION 2. Said board shall file in the registry of Board of harbor and land com-

missioners to cause to be recorded in the registry of deeds a description of the land taken.

deeds for the county of Suffolk, and cause to be recorded therein, a description of any lands and flats so taken, as certain as is required in an ordinary conveyance of land, with a statement, signed by said board or a majority thereof, that the same are taken under the provisions of this act in the name and behalf of the Commonwealth; and the act and time of the filing thereof shall be deemed to be the act and time of the taking of such lands and flats, and to be sufficient notice to all persons that the same have been so taken. The title to all lands and flats so taken shall vest absolutely in the Commonwealth and its assigns forever.

May settle damages by agreement or arbitration.

SECTION 3. Said board shall have full power, subject to the approval of the governor and council, to settle by agreement or arbitration the amount of the damages sustained by any person in his property by reason of the taking of any lands or flats as aforesaid; and, if not so settled, the same may be assessed by a jury at the bar of the supreme judicial court for said county of Suffolk, upon petition to be filed by such person in the office of the clerk of said court within one year after such taking, and not afterwards. The attorney-general shall appear and act as counsel for the Commonwealth in any such proceeding, and sections sixty-five, sixty-six and seventy-six of chapter one hundred and sixty-seven of the Public Statutes shall apply thereto.

Damages and costs to be paid out of the Commonwealth's flats improvement fund.

SECTION 4. The damages ascertained in any manner aforesaid, and any lawful costs and expenses incurred by or in behalf of the Commonwealth in carrying out the provisions of this act, shall be paid out of the Commonwealth's flats improvement fund, and a sum not to exceed seven thousand five hundred dollars is hereby appropriated from said fund for said purposes.

Approved May 28, 1884.

Chap. 291 AN ACT AUTHORIZING SPECIAL ADMINISTRATORS TO PAY THE EXPENSES OF EXECUTORS IN THE PROOF OF WILLS.

Be it enacted, etc., as follows:

Payment of expenses of executor incurred in proving will.

SECTION 1. A special administrator by leave of the probate court may pay from the personal estate in his hands the expenses incurred by the executor named in the will of a deceased person in proving the same in the probate court or in sustaining the proof thereof in the supreme court.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1884.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE TOWN MEETINGS
OF CERTAIN TOWNS. *Chap. 292*

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the town meetings of the several towns held in the year eighteen hundred and eighty-four shall not be invalid for the reason that tellers were not appointed or if appointed were not sworn according to law to aid in checking the names of voters and in assorting and counting the votes; and the election of the town officers at said meetings is ratified and confirmed.

Proceedings of town meetings confirmed, where tellers were not appointed, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1884.

AN ACT RELATIVE TO THE PROOF OF EQUITABLE LIABILITIES
AGAINST INSOLVENT ESTATES. *Chap. 293*

Be it enacted, etc., as follows:

SECTION 1. Equitable liabilities shall be deemed to be debts provable against estates in insolvency and against estates of deceased persons represented insolvent; and all proceedings in respect to the proof of any such equitable liability, whether by way of appeal or otherwise, shall be the same in all respects as if it were a debt upon which an action at law might have been brought.

Equitable liabilities provable against insolvent estates.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1884.

AN ACT TO FIX THE TIMES AND PLACES OF HOLDING PROBATE
COURTS IN THE COUNTY OF HAMPDEN. *Chap. 294*

Be it enacted, etc., as follows:

SECTION 1. Probate courts shall be held in each year for the county of Hampden as hereinafter mentioned:— At Springfield, on the first Wednesday of every month except August; at Holyoke, on the third Wednesdays of January, March, June and October; at Palmer, on the second Wednesdays of February, May and September, and the fourth Wednesday of November; and at Westfield, on the third Wednesdays of February, May, September and December.

Probate courts in Hampden county.

SECTION 2. So much of section forty-eight of chapter *Repeal.*

one hundred and fifty-six of the Public Statutes as relates to holding probate courts in the county of Hampden is hereby repealed.

To take effect
July 3, 1884.

SECTION 3. This act shall take effect on the third day of July next.

Approved May 28, 1884.

Chap.295

AN ACT RELATING TO A WATER SUPPLY FOR THE TOWN OF MIDDLEBOROUGH.

Be it enacted, etc., as follows:

Water supply
for town of
Middleborough.
Subject to ac-
ceptance within
one year by a
two-thirds vote.

SECTION 1. Section eight of chapter fifty-nine of the acts of the year eighteen hundred and eighty-four is hereby amended to read as follows:—The preceding sections of this act, so far as they apply to and confer authority on the town of Middleborough to introduce a supply of water for its inhabitants as aforesaid, shall become inoperative and void unless said town shall accept the same and authorize the introduction of water under its provisions by a two-thirds vote of its legal voters present and voting thereon at any legal town meeting called for the purpose within one year from the date of passage of this act. At such meeting the check-list shall be used and the voting shall be by ballot, written or printed, *Yes* or *No*. The number of meetings so called shall not exceed four.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1884.

Chap.296

AN ACT RELATING TO THE FORMATION OF COMPANIES TO GUARANTEE THE FIDELITY OF PERSONS AND TO ACT AS SURETY ON BONDS.

Be it enacted, etc., as follows:

To guarantee
fidelity, and to
be surety on
bonds.

SECTION 1. Companies may be formed for the purpose of guaranteeing the fidelity of persons and of acting as surety on bonds by complying with the provisions of sections twenty-six, twenty-seven and twenty-eight, and sections thirty-two to thirty-seven, both inclusive, of chapter one hundred and nineteen of the Public Statutes relative to the formation of insurance companies so far as they are applicable for the purposes of incorporation.

Capital stock.

SECTION 2. The capital stock of such a company shall not be less than two hundred thousand dollars.

May act as
surety upon
official bonds.

SECTION 3. Such company if accepted and approved by the court, magistrate or other obligee may act as surety upon the official bond of any person to the United States

or to the state of Massachusetts; to any county, city or town; to any judge of probate and insolvency, sheriff, or other court, or magistrate; to any corporation or association, public or private, and upon a bond or undertaking to any person or persons, conditioned upon the performance of any duty or trust, or for the doing or not doing of anything in said bond or undertaking specified, and to guarantee the fidelity of persons holding positions of public or private trust, or the bonds and undertakings of such persons; also upon bonds to indemnify against loss any person or persons, who are responsible as surety or sureties upon a written instrument or otherwise, for the faithful performance by others of any trust, office or duty; and in any case where, by law or otherwise, two sureties are required upon any obligation which this company is hereby authorized to assume, this company may act as sole surety, if so accepted and approved by the court, magistrate or other officer named as the obligee in the bond, or who is now or shall hereafter be required to approve the sufficiency of any such bond or undertaking.

May guarantee fidelity of persons holding positions of trust.

SECTION 4. The amount of responsibility incurred by said company in behalf of any one person, partnership or company, shall not exceed the amount of ten per centum upon its paid in capital, except where the company shall be fully secured or guaranteed against all loss in consequence of responsibility incurred in excess of said limited amount of ten per centum, by the deposit with the company or conveyance to it of property fully worth at a fair and reasonable valuation the amount of such excess.

Amount of responsibility in behalf of any one person not to exceed ten per cent. of capital.

SECTION 5. In the conduct of its business, maintenance of reserve, investment of assets, and in all other respects so far as is consistent with the character of its business, such company shall be subject to and governed by the regulations, obligations and restrictions which are now or may hereafter be applied to joint-stock fire insurance companies.

Subject to regulations applied to joint stock fire insurance companies.

Approved May 28, 1884.

AN ACT PROVIDING FOR THE APPOINTMENT OF TRUSTEES FOR THE STATE ALMSHOUSE AND THE STATE WORKHOUSE.

Chap. 297

Be it enacted, etc., as follows:

SECTION 1. The boards of trustees holding office under section thirteen of chapter eighty-six and section one of chapter eighty-eight of the Public Statutes, having charge

Present boards of trustees abolished.

of the state almshouse and the state workhouse, are hereby abolished.

Seven trustees, five men and two women, to be appointed.

SECTION 2. The governor with the advice and consent of the council shall appoint seven persons, five of whom shall be men and two of whom shall be women, who shall be known as the board of trustees of the state almshouse and state workhouse, and who shall have the power and perform all the duties now required by law to be performed by the trustees of the state almshouse, and the trustees of the state workhouse, and shall make all rules and regulations for the government of the same, subject to the approval of the governor and council. They shall hold office for three years, but of the seven first appointed three shall hold office for three years, three for two years, and one for one year; and all vacancies occasioned by the expiration of term of office, or in any other manner, shall be filled by the governor and council. No person employed by the board shall be a member thereof.

To hold office for three years.

Trustees to appoint superintendent.

SECTION 3. The board of trustees shall hold monthly meetings at either of the institutions under their charge, and shall appoint a superintendent of the state almshouse, and a superintendent of the state workhouse, who shall respectively hold office during the pleasure of the board, and whose compensation shall be fixed by the trustees, with the approval of the governor and council. All other officers and employes shall be appointed by the superintendents, subject to the approval of the trustees, who shall fix the compensation in each case.

Other officers to be appointed by superintendent.

Trustees, with approval of board of health, lunacy and charity, may transfer inmates.

SECTION 4. The trustees of the state almshouse and state workhouse shall have authority with the approval of the state board of health, lunacy and charity to transfer inmates from the state almshouse to the pauper department of the state workhouse, and from the pauper department of the state workhouse to the state almshouse. They may also transfer discharged prisoners remaining in the state workhouse to the state almshouse, when such transfers will promote a better classification of the inmates of the two institutions.

Repeal.

SECTION 5. Section thirteen of chapter eighty-six and section one of chapter eighty-eight of the Public Statutes, and all other acts or parts of acts inconsistent with this act are hereby repealed.

When to take effect.

SECTION 6. This act shall take effect so far as relates to the appointment and qualification of the trustees upon

its passage, but in all other respects on the first day of July next.

Approved May 29, 1884.

AN ACT TO ASCERTAIN BY PROPER PROOFS THE CITIZENS WHO ARE ENTITLED TO THE RIGHT OF SUFFRAGE. Chap. 298

Be it enacted, etc., as follows :

SECTION 1. Every male citizen of twenty-one years of age and upwards (except paupers, persons under guardianship, and persons excluded by article twenty of the amendments to the constitution), who has resided within the state one year, and within the city or town in which he claims a right to vote six months next preceding any election of city, town, county or state officers, of representatives to congress, or of electors of president and vice president, and who has paid, by himself, his parent, master or guardian, a state or county tax assessed upon him in this state within two years next preceding such election; and also every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned; and also every citizen included in article twenty-eight of the amendments to the constitution,—shall have a right to vote in all such elections; and no other person shall have such right to vote, except as provided in section four.

Qualifications of male voters

SECTION 2. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper, or if a pauper because of the non-payment of a poll tax.

Certain soldiers and sailors not disqualified on account of being paupers, etc.

SECTION 3. In an election of representatives to congress, no person shall be allowed to vote unless he has resided in the congressional district where he offers to vote six months next preceding such election, and is otherwise qualified according to the constitution and laws: *provided*, that, when the state is districted anew for members of congress, he shall have the right so to vote in his district according to such new arrangement; and *provided*, also, that no voter residing in a city which now is or hereafter may be divided by the line between congressional districts shall be deprived of his vote in the district in which he was assessed or liable to assessment, on the first day of May next preceding such congressional election, if he is otherwise qualified.

Persons not allowed to vote for representatives in congress unless they have resided in the district six months, etc.

Women who are citizens may vote for school committees.

SECTION 4. Every woman who is a citizen of this Commonwealth, of twenty-one years of age and upwards (except paupers, persons under guardianship, and persons excluded by article twenty of the amendments to the constitution), who has resided within the state one year, and within the city or town in which she claims a right to vote six months next preceding any election of school committees, and who has paid by herself, her parent, guardian or trustee, a state, county, city or town tax assessed upon her or her trustee in this state within two years next preceding such election, shall have a right to vote in all such elections for members of school committees.

Right to vote, of citizens exempted from taxation.

SECTION 5. The provisions of section fifty-two of chapter twenty-seven of the Public Statutes are hereby extended so as to include, in addition to the persons therein enumerated, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as required by the constitution.

Indians declared to be citizens.

SECTION 6. All Indians, and people of color heretofore known and called Indians, within this Commonwealth, are made and declared to be citizens of the Commonwealth, and entitled to all the rights, privileges and immunities, and subject to all the duties and liabilities, to which citizens of this Commonwealth are entitled or subject.

Exemption from taxation by reason of age, to be deemed exemption by law, etc.

SECTION 7. Every male inhabitant of a city or town, who, by reason of age, infirmity and poverty, is exempted from taxation under the twelfth clause of section five of chapter eleven of the Public Statutes, shall be deemed to be exempted by law within the meaning of article three of the amendments to the constitution.

Collectors of taxes to keep list of persons who have paid taxes and upon request to give receipts.

SECTION 8. The collectors of state and county taxes in each city and town shall keep an accurate account of the names of all persons from whom they receive payment of any state or county tax, and of the time of such payment, and upon request shall deliver to the person paying the same a receipt specifying his name and the time of payment, and such receipts shall be admitted as presumptive evidence thereof.

Collectors to return such lists twice each year, etc.

SECTION 9. The collectors, whether the time for which they were chosen has expired or not, shall, twice in each year, namely, once not more than twenty-five nor less than twenty days before the annual city or town elections, and once not more than sixty nor less than fifty days before the Tuesday next after the first Monday in November,

return to the registrars of voters of their respective cities and towns an accurate list of all persons from whom they have received payment of any state or county tax since the time appointed for making their last preceding return.

SECTION 10. Every collector neglecting to make such return shall forfeit one hundred dollars for each neglect, and twenty dollars for every name in respect to which he makes a false return.

Penalty for neglect and for false return.

SECTION 11. When a male person, on or before the fifteenth day of September in any year, gives notice in writing, accompanied by satisfactory evidence, to the assessors of a city or town, that he was on the first day of May of that year an inhabitant thereof, and liable to pay a poll tax, and furnishes under oath a true list of his polls, and estate both real and personal, not exempt from taxation, the assessors shall assess him for his polls and estate; but such assessment shall be subject to the provisions of section seventy-three of chapter eleven of the Public Statutes. And the assessors shall, on or before the twentieth day of September, deposit with the registrars of voters or board charged with the preparation of the list of voters of the city or town a list of the persons so assessed. The taxes so assessed shall be entered in the tax list of the collector of the city or town, and he shall collect and pay over the same in the manner specified in his warrant.

Assessment of taxes upon omitted polls and estates.

SECTION 12. Any woman, who is a citizen of this Commonwealth, may, on or before the fifteenth day of September in any year, give notice in writing, accompanied by satisfactory evidence, to the assessors of a city or town, that she was on the first day of May of that year an inhabitant thereof, and that she desires to pay a poll tax, and to furnish under oath a true list of her estate, both real and personal, not exempt from taxation, and she shall thereupon be assessed for her poll, not exceeding fifty cents, and for her estate, and the assessors shall, on or before the twentieth day of September, return her name to the registrars of voters or board charged with the preparation of the list of voters of the city or town in the list of the persons so assessed. The taxes so assessed shall be entered in the tax list of the collector of the city or town, and he shall collect and pay over the same in the manner specified in his warrant.

Assessment upon women.

Soldiers and others taxable, but not assessed, may be assessed, and pay tax and vote.

SECTION 13. When a person makes application to the assessors of a city or town to be assessed a poll tax for the year then current, and it appears that the applicant was on the first day of May preceding an inhabitant thereof, and liable to pay a poll tax, but was not assessed therefor, and that he is, or has been during any portion of the two years preceding such application, engaged in the military or naval service of the United States, the assessors shall, provided the applicant has returned from said service subsequent to the time fixed by law for the close of assessment of taxes, forthwith assess such tax, and notify the treasurer of such city or town of the assessment, and the person so assessed shall, upon payment of said tax, have the same right to be registered and vote in said city or town as if his tax had been regularly assessed.

Board of registrars of voters to be appointed in each town.

SECTION 14. Within thirty days after the passage of this act, the selectmen of each town, by a writing signed by them or by a majority of them, and filed with the town clerk, and the mayor of each city, subject to the approval of the board of aldermen, shall appoint three able and discreet persons, qualified voters in said city or town, who shall hold no other office or position by election or appointment in said city or town, who shall constitute, together with the city or town clerk for the time being, a board of registrars of voters. One of the registrars so appointed shall hold his office until the first day of May in the year eighteen hundred and eighty-five, one until the first day of May in the year eighteen hundred and eighty-six, and one until the first day of May in the year eighteen hundred and eighty-seven; and in the manner aforesaid, the mayor of each city and selectmen of each town shall in the month of March or April in the year eighteen hundred and eighty-five, and in each year thereafter, appoint one person qualified as aforesaid, to be a registrar of voters for the term of three years from the first day of May then next ensuing, and until another is appointed in his place. In case of a vacancy occurring by reason of the death, resignation or removal from office of any one of the registrars appointed, as aforesaid, during the term for which he is appointed the mayor or selectmen in the manner aforesaid, shall appoint a person qualified as aforesaid, for the residue of said term. The members of said board shall equally represent the two political parties which cast

Vacancy.

Members to represent equally the two political

the largest number of votes in the Commonwealth at the annual election next preceding their appointment and not more than two of them shall be of the same political party. The city or town clerk shall act as clerk of the said board, shall keep a full and faithful record of its proceedings and procure the serving or posting of such notices as the registrars may require.

parties which cast the largest vote at the election next preceding appointment.

SECTION 15. Such registrars shall perform all the duties in relation to the registration of voters now imposed upon existing boards of registration, or upon the mayor and aldermen in cities where there are no registrars, and selectmen in towns, and shall before entering upon the duties of their office take and subscribe an oath faithfully to perform the same. They shall receive such compensation as the city council or selectmen may from time to time determine; but such compensation shall not be regulated by the number of names registered on any list of voters, and any reduction of compensation shall take effect upon such registrars only as are appointed after such reduction. The city council or selectmen shall furnish office room for the registrars and such aid as may be needed by them.

Duties, oath.

Compensation.

Office room.

SECTION 16. The registrars, at their first meeting to make the register of voters, or at an adjournment thereof, may use the voting lists of the annual election then last past to aid them in forming the said register, but the name of no person shall be placed on such register if objected to by one of the registrars, or by a qualified voter of the same city or town, unless he shall be known or proved, to the satisfaction of such registrars, to be, at the time, a qualified voter in such city or town; nor shall the name of any person be placed or retained on such register without the concurrence of three of the four registrars.

Registrars may use voting lists of the annual election then last past to aid them in forming the register.

SECTION 17. The registrars of voters in cities and towns shall make and keep a record of all persons entitled to vote therein at any election of town, city, county, district, state or national officers, which shall be known as a register of voters.

Registers of voters to be kept in towns and cities.

SECTION 18. Said register shall contain the name of each voter written in full, or his first christian name, or that name by which he is generally known written in full, with the initial or initials of any other name or names which he may have in addition to his surname, his age

To contain name written in full, age, place of birth, occupation, etc., of each voter.

and place of birth, the street or place in the town or city where he resided on the first day of May, and at the time of registration, the date of said registration, his occupation and place of business or employment, and such other particulars as may be necessary fully to identify him.

Assessors to furnish street lists of the several voting precincts.

SECTION 19. The assessors of taxes of each city shall, on or before the fifteenth day of July in each year, cause street lists of the several voting precincts in such city to be compiled and printed in pamphlet form for public distribution. Said compilation shall be by precincts separately, not exceeding fifty copies for each, arranged so as to show under the number of the house, or if there is no number, then under such other definite description of the location of the dwelling place as will enable it to be readily ascertained, the names of all persons resident in each dwelling, and assessed for poll taxes. The said assessors shall send such number of copies thereof as may be required by the board of registrars of voters to the clerk of said board.

Registrars to publish notice to all persons to present themselves for registration.

SECTION 20. The registrars of voters shall cause proper notices to be published or posted, and proper opportunity given at least twenty days before the annual city or town election and at least thirty days before the Tuesday next after the first Monday in November annually, to all persons to present themselves for registration; and thereafter before registering any person whose qualifications have not been previously determined by them, they shall examine him under oath in regard to his qualifications to vote, and shall require such person to write his name and read in the official edition thereof at least three lines of the constitution, other than the title, in such manner as to show that he is not prompted nor reciting from memory, before they place his name on said register, unless such person is exempted by article twenty of the amendments to the constitution.

Qualifications to be ascertained before registering.

After lists are printed, applicant for registration must appear in person.

SECTION 21. After the lists of qualified voters are printed and posted as now required by law, no name shall be added thereto, unless the applicant for registration appears in person before the registrars or assistant registrars and proves his claim to be registered.

Secretary to furnish books for registration.

SECTION 22. The secretary of the Commonwealth shall furnish to each board of registrars applying therefor, at cost price, suitable blank books for said registration, and said books shall be uniform in character, and

shall contain eleven blank columns with uniform headings in the following form :—

When Registered.	NAME.	Age.	Place of Birth.	Residence May 1.	Residence at time of Registration.	Occupation.	Place of Occupation.	When Ceased to be a Voter.	Why Ceased to be a Voter.	Remarks.

SECTION 23. If the registrars are not satisfied as to the identity or qualifications of any applicant for registration, they may make such examination of such applicant under oath as they may consider necessary or proper to verify the fact that he is possessed of the constitutional requirements of a voter.

Applicant for registration may be examined under oath.

SECTION 24. If any person who will become twenty-one years of age before the election next ensuing shall make application to the registrars for registration in order to entitle him to vote at such election, he shall be examined under oath and admitted to registration, provided the registrars shall be satisfied that he will be of age before such election, and that he has the other constitutional qualifications of a voter and is the identical person he professes to be.

May be registered, if he will become twenty-one years of age before next election.

SECTION 25. If the assessors of a city assess a person in another precinct than that in which he claims to dwell or have his home, such person may, on or before the fifteenth day of September in any year, file with the registrars of voters a notice of his claim to be registered in some other precinct, specifying the same, and as soon as may be after said fifteenth day of September said board shall notify said person, fixing a time and place of hearing; and after such hearing they may change the precinct of registry, if need be, in any case; and they shall forthwith, after such change, give notice thereof to the assessors, who shall make the corresponding change in the official record of their department; and the name of no person shall be registered in any other precinct than that in which he was assessed, unless a claim for such registration is filed as provided in this section.

Person assessed in wrong precinct may apply for change, etc.

SECTION 26. In the several cities of this Commonwealth, except the city of Boston, all errors in names upon

Errors in names upon tax bills to be corrected.

tax bills of persons assessed shall be corrected on said tax bills by the board of assessors or the board acting as registrars of voters, and also on forms of certificates specially prepared for the purpose; and every tax bill so changed, together with the certificate, shall be stamped with an official stamp of the board making such change before the person whose tax bill is so changed shall be allowed to register as a voter. All certificates of names so changed shall be sent to the collector of taxes, who shall, as soon as may be after the first day of January in each year, make corresponding changes or corrections on the list of assessed polls committed to him by the board of assessors. The collector shall also transmit said certificates to the board of assessors, who shall, before the first day of March in each year, make corresponding changes or corrections on the proper books in their department.

Certificate of names to be sent to collector.

Voting lists to be made and posted.

SECTION 27. The registrars of voters in cities and towns shall, at least twenty days before the annual city and town elections, and at least thirty days before the Tuesday next after the first Monday in November annually, make correct alphabetical lists of all the persons qualified to vote for the several officers to be elected at those times, which lists in cities shall be by precincts separately; and shall, at least twenty days before the annual city or town elections and at least thirty days before said Tuesday after the first Monday in November annually, cause such lists in towns to be posted up in two or more public places, and in cities each precinct list in one or more public places in each precinct respectively.

Names of women may be placed on a separate list.

SECTION 28. The names of women may be placed upon a separate list; and, when the name of any woman has been placed upon the list of voters of a city or town, it shall remain on the list as long as she continues to reside in such city or town, and has paid any state, county, city or town tax that has been assessed on her or her trustee in this state within two years next preceding any election; provided that the facts relating to residence shall be furnished to the registrars each year prior to the close of registration.

Voter's residence to be entered opposite name.

SECTION 29. The place of residence of each voter, on the first day of May next preceding the making up of the list of voters, shall be entered thereon opposite the name of the voter; and in cities the name of each voter shall be entered

upon the list of the precinct in which he was assessed, or if not assessed, where he was liable to assessment. When a person becomes an inhabitant of a city after the first day of May, and before an election at which he is entitled to vote, his name shall be entered on the list of the precinct of which he first becomes an inhabitant.

Name to be entered in precinct in which he first becomes an inhabitant.

SECTION 30. The clerk of each city or town shall, on the first day of every month, and also two days before every election, send to the registrars of voters a list, which in cities shall be by precincts, of male persons over twenty-one years of age deceased within the preceding month, or since the last time of sending such list; and the names of such persons found upon the list of voters shall be erased therefrom.

Clerk to send to registrars names of persons deceased.

SECTION 31. At any election other than the annual state election, a person who has removed from one precinct to another, within the same city, shall vote in the precinct in which he was entitled to vote at the last preceding annual state election.

Person removing to another precinct to vote as at preceding state election.

SECTION 32. Upon a complaint in writing under oath made by a registered voter in a city at least seven days, or in a town at least four days, before an election, setting forth that he has reason to believe, and does believe that a certain person is illegally registered, and the reasons therefor, the registrars shall re-examine the matter of the registration of such person, and if there shall appear to be probable ground for such complaint, they shall make a record thereof and shall summon such person to appear before them and examine him under oath in regard to the matter set forth in the complaint; they may hear other and further evidence relative thereto, and, if satisfied that his name is entered upon the list of a precinct other than where he ought to be registered shall transfer his name to the list of the proper precinct and notify the assessors of such change or if satisfied that he is not a qualified voter, they shall strike his name from the list. Said summons shall be directed to the person named in said affidavit, and shall require him to appear before said board of registrars at a time and place therein named, which time shall be before the election next ensuing, then and there to show cause why his name should remain upon the register of voters, and a copy of this section shall be printed upon the face of said summons. Service of the summons shall be made by an officer duly qualified to serve civil or

Names registered, may be stricken from the list upon notice and examination.

Service of summons.

criminal process, by delivering to the person named therein a copy thereof attested by the officer who serves it, or by leaving such copy for him at his last and usual place of abode known to the officer, not more than fourteen days nor less than twenty-four hours before the return day thereof, and such officer shall return said summons to said registrars before the return day thereof, with a certificate of service endorsed thereon. If, after service of said summons in the manner aforesaid, a person shall fail to appear as directed therein, without sufficient cause being shown therefor, his name shall be stricken from the register of voters.

Making a false affidavit to be deemed perjury.

SECTION 33. Whoever shall knowingly or wilfully make a false affidavit, under the preceding section, regarding the qualifications of any voter shall be deemed guilty of perjury.

Applications, etc., to be preserved.

SECTION 34. All applications, certificates or affidavits taken by the registrars of voters under this act and acts in amendment hereof, shall be preserved for two years.

Sessions of registrars in towns.

SECTION 35. The registrars of voters in towns shall be in session at some convenient place until ten o'clock in the afternoon on the Wednesday next preceding all meetings for the election of town, county, district, state or national officers, and for such time previous thereto as they may judge necessary, for the purpose of receiving evidence of qualifications of persons claiming a right to vote in such elections, and of correcting the list of voters; and they shall give notice of the time and place of holding the sessions upon the lists posted up as provided in section twenty-seven, and shall also state therein the day of the month when registration will cease, and that after the close of registration no name will be entered on the list of voters except as hereinafter provided.

Sessions of registrars in cities.

SECTION 36. The registrars of voters in cities shall be in session until ten o'clock in the afternoon of the Saturday next but one preceding the day of any election, and for such time previous thereto as they may judge necessary, for the purpose of receiving evidence of the qualifications of persons claiming a right to vote, and of correcting the list of voters; and they shall give notice of the time and place of holding the sessions upon the lists of voters posted up as provided by section twenty-seven, and shall also state therein the day of the month when registration will cease, and that after the close of registration

no name will be entered on the list of voters except as hereinafter provided.

SECTION 37. The registration of voters in towns shall cease at ten o'clock in the afternoon of the Wednesday next preceding the day of any election, and in cities at ten o'clock in the afternoon of the Saturday next but one preceding the day of any election; and no name shall be entered on the list of voters of any city or town after the close of registration unless the qualifications of the person as a voter have been determined by the registrars of voters at some meeting held before the close of registration; such fact to be verified by the certificate of the clerk of the board of registrars.

Registration to cease in towns at 10 o'clock P.M. of Wednesday next preceding election, and in cities at 10 o'clock, P.M., of the Saturday next but one preceding election.

SECTION 38. The registrars of voters, before entering upon the register the name of a naturalized citizen, shall require him to produce for their inspection his papers of naturalization, and to make oath that he is the identical person named therein; they shall be satisfied that he has been legally naturalized, shall make a record or memorandum upon said papers of the date of such inspection and shall enter upon the said register the name and location of the court by which said papers were issued with the date thereof. They need not require the production of such papers after they have once examined and passed upon them.

Naturalization papers to be produced for inspection.

SECTION 39. Registrars of voters shall not register voters in secret session, but publicly, and shall afford to a reasonable number of persons of the various political parties, opportunity to witness such registration; and the register of voters and the record of the clerk of the board of registrars shall at all reasonable times be open to public inspection, without charge, at the office of the authorities with whom they are deposited.

Voters not to be registered in secret session, but publicly.

SECTION 40. The board of registrars shall possess full authority to maintain regularity and order and to enforce obedience to their lawful commands in proceedings before them, and shall have full authority to preserve peace and good order at and around the place where their sessions are held, to keep the access thereto open and unobstructed, and may call upon constables, police officers and other persons, if necessary, to communicate their orders and directions and to assist in the performance of the duties in this section enjoined.

Registrars may maintain order and enforce obedience to their lawful commands.

SECTION 41. If any person shall refuse to obey the

Person offend.

ing be taken
into custody.

lawful command of the registrars or by disorderly conduct in their presence or hearing shall interrupt or disturb their proceedings, they may make an order directing any constable or police officer to take the person so offending into custody and detain him until the close of the session then being held; but such order shall not prohibit the person so taken into custody from registering as a voter.

Detail of police
officers to main-
tain order.

SECTION 42. It shall be the duty of the chief executive officer of the police force of a city, when requested so to do by the registrars of voters, to detail a sufficient number of police officers, who shall be stationed at the place of meeting of said registrars and under their direction shall preserve order and protect each and all of said registrars from any interference with or obstruction in the performance of their respective duties.

Name not to be
added to voting
list until re-
corded in
register.

SECTION 43. No name shall be added to the list of voters until it has been recorded in the register of voters, and all names stricken from the register of voters shall be stricken also from the list of voters; no name shall be added to a list of voters in use at any election after the opening of the polls except to correct a clerical error or omission, and all names on lists of voters shall be written in full, or as provided in section eighteen.

Name omitted
through a mis-
take by the as-
sessors may be
placed upon list
of voters after
registration
ceases.
1882, 268.

SECTION 44. If a qualified voter of any city or town whose name was on the list of voters of such city or town for the preceding year, who has been assessed for a poll tax for the current year, and who has paid a state or county tax assessed upon him for the preceding or current year, finds after the close of registration that his name is not placed on the list of voters for the current year by reason of the same being omitted by clerical error or mistake from the list of polls as assessed and transmitted by the board of assessors to the board charged with the preparation of the list of voters, the board of assessors shall, upon the personal application of such voter, correct such omission or mistake, and give to him a certificate of such correction, to be presented by him in person to the board charged with the preparation of the list of voters, who shall, on the receipt thereof, place the name of such voter on the list of voters of the precinct or town in which he was entitled to be registered; or if application is made on the day of election the said board last mentioned shall give to such voter a certificate, on presentation of which to the election officers of his precinct or town he shall be

Certificate of
right to vote to
be given, if ap-
plication is
made on day of
election.

allowed to vote therein; and such certificate shall be returned and preserved in like manner as the ballots cast in such precinct or town.

SECTION 45. If the name of a qualified voter shall be erroneously erased from the published list of voters or omitted therefrom by clerical error, he may apply to the registrars of voters at any time before the closing of the polls for its restoration; and if he shall prove that his claim be valid his name shall be restored to the list of voters, and he shall be given a certificate thereof, if such restoration is made on the day of election; on presentation of which to the officers of the precinct in which he was entitled to be registered, he shall be allowed to vote therein; and the certificate shall be returned and preserved in like manner with the ballots cast in said precinct.

Name may be restored to list, if erroneously erased.

SECTION 46. At any election held in a city between the day of the municipal election and the day of the annual state election the list of voters prepared for the preceding municipal election shall be used, subject to the changes and erasures provided for by law.

In cities, when voting lists of preceding elections shall be used.

SECTION 47. If the registrars have duly entered on the list of voters the names of all persons upon the register of voters they shall not be answerable for any omissions from said list of voters. Assessors and collectors shall when requested furnish any information in their possession necessary to aid said boards of registrars in the discharge of their respective duties.

Registrars not answerable for omissions.

Assessors and collectors to furnish information.

SECTION 48. Wherever under this act examinations are authorized or required to be made under oath, or an oath is authorized or required to be made, such oath may be administered by a registrar or by an assistant registrar.

In examinations, oaths may be administered by registrars, etc.

SECTION 49. Towns having less than three hundred registered voters shall be exempt from the requirements of section fourteen of this chapter, and in such towns the selectmen and town clerk shall constitute a board of registrars of voters, and shall perform all the duties and be subject to all the liabilities imposed by this act, and acts in amendment hereof, upon registrars of voters. But whenever, in any town now exempted by this section, the register of voters shall be found to contain as many as three hundred names, said section fourteen shall apply, and in the month of March or of April next thereafter, a board of registrars shall be appointed.

Selectmen and town clerk to be registrars in towns having less than three hundred registered voters.

Supervisors of registration may be appointed by the governor and council, upon petition of ten votes in any city or town.

Penalty for preventing supervisor from discharging his duty.

Penalty on registrar for neglecting to require applicant to read and write, and then placing his name upon register.

Penalty for preventing the registration of a legal voter, or registering the name of one unqualified to vote.

Penalty on city or town officer for neglect.

Penalty for registering in more than one place, for registering knowing that he is not qualified, or for falsely

SECTION 50. On the petition of not less than ten qualified voters in any city or town, the governor, by and with the advice and consent of the council, shall appoint two supervisors, able and discreet men, one from each of the two leading political parties, who shall be authorized to attend all sessions of the board of registrars in said city or town, or in the city of Boston all sessions of such assistant registrars as may be named or described in such petition, and who shall have the right to affix their signatures to the register of voters and lists of voters for purposes of identification, and to attach thereto any statement touching the truth or fairness thereof which they or either of them may ask to attach, and any one who shall prevent any person so appointed from doing any of the acts authorized as aforesaid, or who shall hinder or molest any such person in doing any of said acts, or shall aid or abet in preventing, hindering, or molesting any such person in respect of any such acts, shall be punished by imprisonment in jail for not more than one year.

SECTION 51. Any registrar of voters who shall refuse or wilfully neglect to require an applicant for registration to read and write, as directed by the constitution and section twenty of this act, and shall then place or knowingly suffer to be placed or remain upon the register of voters the name of such applicant, shall be punished by a fine of not more than five hundred dollars or by imprisonment in jail for not more than one year for each offence; and any registrar who knowingly and wilfully prevents, or seeks to prevent, the registration of any legal voter, or knowingly and wilfully registers the name of any person not qualified to vote, or who shall wilfully violate any of the provisions of this act, or be guilty of any other fraud or corrupt conduct in the execution of the duties of his office, shall be punished by a fine of not more than three hundred dollars for each offence; and any other city or town officer who wilfully neglects or refuses to perform any duty required of him by this act and acts in amendment hereof, shall, except as provided in section ten, forfeit for each offence a sum not exceeding two hundred dollars.

SECTION 52. Any person who shall cause his name to be registered as a voter in more than one town or precinct, or who shall cause his name to be registered knowing that he is not a qualified voter in the city, town, or precinct

where said registry is made, or who shall falsely personate or attempt to so personate any person for the purpose of passing the reading or writing test, or for any other purpose before a registrar of voters, and any person who shall give a false name or false answer to a registrar concerning any matter relating to the registration of voters, or to the right of any person to vote, and any person causing any such act or aiding or abetting any person in any manner in either of said acts shall be punished for each and every offence by a fine of not more than three hundred dollars, and by imprisonment in jail for not more than one year.

representing
another person,
etc.

SECTION 53. The provisions of this chapter shall not be deemed to repeal the special laws relating to assessment and registration in the city of Boston; but chapter six of the Public Statutes, chapter one hundred and ninety-three of the acts of the year eighteen hundred and seventy-seven, chapters two hundred and forty-seven and two hundred and sixty-eight of the acts of the year eighteen hundred and eighty-two, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Special laws relating to assessment and registration in Boston not repealed.

Repeal.

SECTION 54. This act shall take effect upon its passage, but any election which may be held previous to the next state election shall be conducted according to the provisions of law heretofore regulating the same.

Not to affect elections held previous to next state election.

Approved May 29, 1884.

AN ACT CONCERNING ELECTIONS AND VOTING THEREIN.

Chap. 299

Be it enacted, etc., as follows:

SECTION 1. Meetings for the election of national, state, district, county and municipal officers may be opened as early as seven o'clock in the forenoon; and in no case shall the polls be kept open after the hour of sunset. Such officers shall be voted for on one ballot, and notice thereof shall be given in the warrant calling the meeting.

Meetings may be opened as early as 7 o'clock A.M. Not to be kept open after sunset.

SECTION 2. In cities such meetings shall be opened as early as ten o'clock in the forenoon of the election day, and shall be called according to the provisions of the city charters and the acts in addition thereto, and warrants for notifying such meetings shall specify the time when the polls for the choice of the several officers will be opened and when they will be closed, and the polls shall be kept open at least six hours.

To be opened in cities as early as 10 o'clock A.M., and kept open at least six hours.

Cities to be divided into voting precincts.

SECTION 3. The several cities of this state shall be divided by the mayor and aldermen of said cities, respectively, into convenient voting precincts for the holding of all meetings for the choice of all officers who are elective by the people. Every ward in a city containing not more than five hundred voters shall be a voting precinct; every ward in a city containing more than five hundred voters and not more than eight hundred voters may, in the current year or in any year thereafter, on or before the first Monday of July, be divided by the mayor and aldermen of such city, if they shall deem it expedient, into two precincts, to contain as nearly as may be an equal number of voters, and such ward if not so divided shall be a voting precinct; and every ward of a city containing more than eight hundred voters, on or before the first Monday of July in the current year, and as often annually thereafter as may be necessary or expedient, shall be divided by the mayor and aldermen of such city into two or more voting precincts, consisting of compact and contiguous territory in such manner that each precinct shall be entire within one ward, and shall contain, as nearly as may be, an equal number of voters. The boundaries of such precincts shall, as far as possible, be the centre lines of known streets or ways, and no precinct shall contain more than eight hundred voters. The registration of voters in the year eighteen hundred and eighty-three shall be taken as the basis of the division in the current year, and a division in any other year shall be made on the basis of the registration in the preceding year. After the division of any city into new wards as now provided by law, said wards shall be divided into voting precincts according to the provisions of this section. Said precincts shall be designated by numbers or by letters of the alphabet.

Boundaries of precincts shall, as far as possible, be centre lines of known streets.

Precincts to be designated by numbers, etc.

When a ward of a city is divided into precincts, map or description to be published and posted.

SECTION 4. Whenever a ward of a city shall be divided into two or more precincts, the mayor and aldermen shall immediately cause the same to be published, by making a map or description of such division, defining it by known boundaries, and posting such map or description in at least ten of the most public places in each precinct of such ward; and the mayor and aldermen shall also cause a reasonable number of copies of such map or description to be furnished to the registrars of voters, the

assessors of taxes and the election officers in each precinct in said city.

SECTION 5. The board of aldermen of each city, thirty days at least before the day of each election, shall designate and appoint the polling place in each of the voting precincts in such city, and procure the same for such purpose, and cause it to be suitably fitted up and prepared therefor; and they shall thereupon cause to be posted in at least ten public places in each precinct a printed description of the place so designated, and shall give such other public notice thereof as they may think necessary or proper. Such polling place shall be in the most public, orderly and convenient portion of the precinct, and no building or part of a building shall be so designated or used in which, or in any part of which, intoxicating liquor is sold, or has been sold, within thirty days next preceding the day of election.

Polling places to be designated thirty days before day of election.

SECTION 6. All requirements of law in regard to the preparation, publication, posting or use of ward lists in cities shall be held to be complied with, by the employment in each precinct of precinct lists of like description in all respects, of all the legal voters therein, and the requirements of law now applied to ward lists shall be, as far as practicable, applied to precinct lists of voters.

Requirements of law in regard to ward lists applied to precinct lists of voters.

SECTION 7. In each voting precinct there shall be the following election officers, that is to say: — The mayor at some time between the first and the twentieth day of September in each year shall, with the approval of the board of aldermen, appoint for each voting precinct one warden, one deputy warden, one clerk, one deputy clerk, two inspectors and two deputy inspectors, qualified voters in the ward of which each precinct forms a part, men of good repute and standing, who shall equally represent each of the two political parties which cast the largest number of votes in the Commonwealth at the annual election next preceding their appointment. The warden and one inspector shall be of a different political party from the clerk and other inspector and each deputy shall be of the same political party as his principal. Each of said officers shall be sworn to the faithful performance of his duties, and shall hold office for one year from the first day of November in the year in which he is appointed, and until a successor is appointed and qualified or he is removed. Any one of said officers may be removed at

Election officers of each voting precinct.

Officers to be sworn.

Vacancy.

Persons
appointed to be
sworn.

If certain offi-
cers are absent,
places may be
filled by
election.

Election officers
to attend at all
elections.

any time by the mayor, with the approval of the board of aldermen, upon written charges of incompetence or official misconduct preferred either by the city clerk or by not less than six qualified voters of the ward in which the officer is appointed to act. In case of any vacancy occurring before the first day of November in any year, or in case either of said officers shall decline to act, and shall give notice thereof to the city clerk on or before said first day of November, the mayor, with the approval of the board of aldermen, shall appoint some person qualified as aforesaid to fill said office; and in making such appointment he shall preserve in the precinct offices the just and equal representation of the two leading political parties. Every person so appointed shall be sworn to the faithful performance of his duties. Every nomination made by the mayor under this section shall be acted on by the board of aldermen not less than three nor more than ten days after it shall have been made. In case of a vacancy in the office of warden, clerk or inspector of a precinct on the day of any election, the person appointed as deputy of said warden, clerk or inspector shall act in his place, and shall have the same powers and be subject to the same duties and liabilities as the officer for whom he acts. No deputy precinct officer shall have power to act in any official capacity, or while the polls are open or during the counting of the votes be admitted to the space reserved for the precinct officers, except while filling a vacancy as aforesaid; and he shall receive no compensation except for attendance at the opening of the polls or for services while acting for the officer whose place he fills. In case the warden and deputy warden, or the clerk and deputy clerk, or one of the inspectors and his deputy are absent at the time designated for the opening of the polls on the day of any election, a suitable person shall be elected by the voters of said precinct, by nomination and hand vote, with full power to act for the time being in place of the absent officer, and before entering upon the performance of his duties he shall be sworn by the warden or clerk or, in the absence of both of said officers, by a justice of the peace to the faithful performance thereof.

SECTION 8. Such election officers shall attend at the times and places designated for meetings in their respective precincts, for the election of any national,

state, district, county, city or ward officers, or for the determination of any question submitted to the qualified voters by lawful authority, and shall have the same powers, and, except as otherwise provided, be subject to the same duties and liabilities as the wardens, clerks and inspectors now holding office under existing laws, and shall receive such reasonable compensation for each day's actual service as the city council of their respective cities may from time to time determine. No person shall be eligible to the position of election officer in any precinct where he is a candidate to be voted for, and whenever any person appointed as aforesaid becomes such candidate he may, upon petition therefor, be removed by the mayor not less than three days before any election.

Not eligible as an election officer in precinct where he is a candidate to be voted for.

SECTION 9. Upon the petition in writing of ten qualified voters of a city or town, presented to the governor at least fourteen days before any election of state, district, county or municipal officers, he shall appoint, by and with the advice and consent of the council, for such town or for each of such voting precincts as may be named in said petition, two citizens, residents of such city or town, to act as supervisors at the said election. Said supervisors shall be appointed one from each of the two leading political parties, and shall be present at the several precincts for which they are appointed, and witness throughout the conduct of the voting and counting of the votes, and remain where the ballot-boxes are kept at all times after the polls are open and until the votes are duly sealed in the envelope for transmission to the authorities entitled to receive the same. Said supervisors, and either of them, shall have the right to affix their signatures or his signature to the certificate of the number of votes cast, for purposes of identification, and to attach thereto any statement touching the truth or fairness thereof which they or he may ask to attach. Any one who shall prevent any person so designated from doing any of the acts authorized by this section, or who shall hinder or molest any such person in doing any of said acts, or shall aid or abet in preventing, hindering or molesting any such person in respect to any such acts, shall be punished by imprisonment in jail for not more than one year.

Supervisors of elections may be appointed upon petition of ten voters.

To be appointed from each of the two leading parties.

Penalty for hindering supervisors in execution of their duties.

SECTION 10. The secretary of the Commonwealth shall provide every city and town with a ballot-box for use at each polling precinct or place of meeting for the election

Secretary to provide ballot-boxes at expense of the Commonwealth.

of national, state, district, county or municipal officers. Said boxes shall be approved by the secretary, treasurer, and auditor of the Commonwealth, or by a majority of them, shall have sufficient and secure locks and keys, or seal fastenings, and shall contain mechanical devices for receiving, registering and cancelling every ballot deposited therein; but no such box shall record any number or mark upon any ballot or envelope by which said ballots or envelopes can be distinguished from each other. Said ballot-boxes shall be purchased by the secretary, at a price not exceeding fifty dollars each, and shall be paid for out of the state treasury.

Ballots to be cancelled.

All ballots to be cast in such boxes.

If ballot-box thus furnished cannot be used, balloting shall proceed as presiding officers direct.

Cancellation of sealed envelope to be deemed cancellation of ballot.

City and town clerks to provide places for safe keeping for boxes and see that they are kept in repair.

Penalty for wilfully injuring ballot-box.

SECTION 11. All ballots cast at any such election held on or after the first day of November, in the year eighteen hundred and eighty-four, shall be deposited in such boxes, and no ballots shall be counted in ascertaining the result of such election unless so deposited and cancelled, or deposited in accordance with the two following sections.

SECTION 12. If for any cause it shall become impossible at any election to make use of the ballot-box furnished by the secretary of the Commonwealth as herein provided, the balloting shall proceed as the presiding officers at said election shall direct; the clerk shall make a record of the facts pertaining thereto and return an attested copy of his record thereof enclosed in the envelope provided according to law for the return of the ballots cast at such election.

SECTION 13. If a ballot shall be cast enclosed in a sealed envelope as provided by law, the cancellation of said envelope shall be deemed a cancellation of the ballot, and the presiding officer at said election shall preserve said ballot, replaced in the envelope which enclosed the same, with the other ballots cast at said election.

SECTION 14. City and town clerks shall, at the expense of their cities and towns, provide therein places for the safe and suitable keeping of the ballot-boxes furnished by the Commonwealth; shall have the care and custody thereof; shall see that they are kept in good order and repair; and if any of them are lost, destroyed or irreparably damaged, shall, at the expense of said city or town, replace the same by similar ballot-boxes, approved as in section ten of this act.

SECTION 15. Whoever wilfully or maliciously destroys or injures a ballot-box, or the mechanism thereof, shall be

punished by imprisonment not exceeding one year, and by a fine not exceeding five hundred dollars.

SECTION 16. In cities the city clerk shall send to the officers of each precinct, before the opening of the polls on every election day, the ballot-box furnished by the secretary of the Commonwealth, with such seals and other ballot-boxes as may be approved by the board of aldermen. At the opening of the polls in each precinct, and before any ballots are received, the ballot-box shall be publicly opened and shown to be empty, and the election officers shall, by personal examination, ascertain that the same is empty, after which immediately the box shall be locked or fastened, a record of the condition of the box register made by the clerk, and the key taken, if one be used, and retained by the constable or police officer in attendance at said precinct. The ballot-box shall not be removed from the public view, after it is so shown to be empty, until all ballots have been removed therefrom and the box has been relocked or sealed. No ballot shall be removed from the ballot-box in any precinct while the polls are open, and the box shall not be opened except that, in order to make room for the deposit of all ballots, the warden may, in the presence of all the election officers, open the box and pack and press down the ballots therein.

Boxes to be sent to precinct officers, before the polls are opened, on every election day.

Key of box to be retained by officer in attendance.

SECTION 17. Whenever any person offers to vote he shall give his name, and if requested so to do, his residence, to the warden or presiding officer of the precinct, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if such name is found upon the check list by the election officer having charge thereof, he shall, in a loud and distinct tone of voice, clear and audible, repeat said name, and the voter may then deposit his ballot in the box, with the face downwards, open and unfolded, or in a sealed envelope, and his name shall be immediately checked on said list. The officers in charge of the box and the list respectively shall be of different political parties.

Person offering to vote shall give his name, etc. to presiding officer who shall announce the same in a loud voice.

Ballot to be deposited face downwards.

SECTION 18. The board of aldermen may pass such regulations in regard to the use of the seals and ballot-boxes and the manner of receiving, counting and returning the votes as they may deem expedient, provided such regulations are not inconsistent with the provisions of law; and if any person wilfully neglects or refuses to

Regulations as to use of seals and boxes, counting and returning votes may be prescribed by aldermen.

comply with any of such regulations, he shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the house of correction not exceeding six months.

Votes to be received, etc., and declared in open meeting.

SECTION 19. The votes in elections for national, state, county, district and municipal officers shall be received, sorted and counted by the selectmen and by the election officers, and public declaration made thereof in open town or precinct meetings. As soon as the polls are closed the selectmen and town clerk or election officers shall proceed to canvass the votes; such canvass shall be public, and shall not be adjourned or postponed until it shall have been fully completed. As soon as the polls are closed, a record shall be made by the clerk of the condition of the ballot-box register; the officer in charge of the check list or list of voters shall, in the presence of the other officers and the public, count in a distinct and audible voice the names checked on said list and announce the whole number thereof; the ballot-box, without being removed from the public view, shall then be opened by the warden or presiding officer; the ballots shall be taken therefrom and audibly counted one by one, and when the count is completed the whole number of ballots cast shall be announced and the counting of the number of votes received by each person voted for shall then proceed. All ballots after being removed from the box shall be kept within the unobstructed view of the voters present at the place of meeting until they are placed in the envelope as required by law. The total number of ballots cast, the names of persons voted for, the number of votes received for each person, and the title of the office for which he is proposed, together with the number of blank votes for each office shall be entered in words at length by the town, ward, or precinct clerks in their respective records. The precinct clerks shall forthwith deliver certified copies of such records to the city clerks, who shall forthwith enter the same in the city records.

Names checked on list to be counted aloud.

Box, without being removed from public view shall be opened by presiding officer.

Ballots to be counted aloud.

Precinct clerks to deliver certified copies of records to city clerks.

Sections 16, 17 and 19 to apply to elections in towns, except where there are more than 600 voters, the check lists may be counted after the ballots.

SECTION 20. Sections sixteen, seventeen and nineteen of this chapter shall apply to the conduct of elections in towns, except that in towns having more than six hundred voters the counting of the check list may be made after the counting of the ballots; and the ballot-box may be opened and ballots taken therefrom and counted whenever in the unanimous judgment of the selectmen, supervisors and town clerk it is necessary or advisable so to do.

SECTION 21. Votes for different persons for the same office, found in one envelope or on one ballot, shall not be counted, and if more than one vote for the same person for the same office is found in one envelope or on one ballot but one such vote shall be counted, and no vote shall be counted which does not clearly indicate in writing the office for which the person voted for is designed, except when but one officer is voted for.

Votes for different persons for same office on one ballot not to be counted.

SECTION 22. In every election in a city, the warden or presiding officer shall cause all ballots given in by the qualified voters of the precinct in which such election has been held, after the same have been sorted, counted, declared and recorded, to be secured in an envelope in open precinct meeting, and sealed with a seal provided for the purpose, and with the private seal of any election officer or supervisor who may desire to affix the same, and a majority of the election officers in each precinct shall endorse upon the envelope for what officers and in what precinct the ballots were received, the date of the election, and their certificate that all the ballots given in by the voters of the precinct, and none other, are contained in said envelope.

Votes to be secured in an envelope and be sealed up after having been counted, etc.

Endorsement upon envelope for what officers and in what precinct.

SECTION 23. The warden or presiding officer shall forthwith transmit the ballots, sealed as aforesaid, to the city clerk by the constable or police officer in attendance at said election; and the precinct clerk shall retain the custody of the seal and deliver the same, together with the records of the precinct and other documents, to the city clerk at the close of the municipal year.

Ballots sealed to be forthwith transmitted to city clerk.

SECTION 24. In every election in a city, in which a check list is required by law to be used, the warden or presiding officer of each precinct shall cause the check list so used to be enclosed and sealed in an envelope and transmitted in the same manner as the ballots cast at such election are required to be secured and transmitted; and the election officers in each precinct shall certify on such envelope to the identity of the check list so enclosed. The city clerk may furnish a copy of a check list after it has been used in any precinct upon the application of not less than ten legal voters resident within the ward of which the precinct forms a part; and immediately upon such copy being furnished, the check list shall be again sealed up.

Check list to be enclosed and sealed, and transmitted to city clerk.

SECTION 25. Selectmen of towns and city clerks in

Check lists to be

preserved like
ballots.

cities shall preserve in their custody the check list used at any election for the same length of time as is required by law for the preservation of ballots. And as soon as may be thereafter they shall transmit said lists to the clerk of the board of registrars of voters of their respective towns and cities, and said board shall preserve them for future reference in such manner as they may deem best.

Envelopes con-
taining ballots
to be retained,
etc.

SECTION 26. City and town clerks shall receive the envelopes containing the ballots thrown at any election, sealed as provided in section twenty-two of this act and section thirty-one of chapter seven of the Public Statutes, and shall retain them in their care until the requirements of law have been complied with; and as soon as may be thereafter, said clerks shall cause such ballots to be destroyed without examining them, or permitting them to be examined by any person whatsoever, and shall make an entry in the records of the city or town that they have been so destroyed; and any such clerk who examines such ballots, or permits them to be examined, shall be punished by fine not exceeding two hundred dollars.

To be destroyed
without exami-
nation under
penalty.

Description of
ballot permitted
to be used.

SECTION 27. No person shall print any ballot for use at any election for the choice of any national, state, district, county, or municipal officers, or shall distribute at any such election any printed ballot unless such ballots are of plain white paper, in weight not less than that of ordinary printing paper, and are not more than five nor less than four and a half inches in width, and not more than thirteen and a half nor less than twelve inches in length, and unless the same are printed with black ink on one side of the paper only, and contain no printing, engraving, device or mark of any kind upon the back thereof. The names of candidates shall be printed at right angles with the length of the ballot, in capital letters not less one-eighth nor more than one-quarter of an inch in height: *provided, however*, that any ballot containing the names of less than four candidates may be not more and shall be not less than six inches in length. The name of any person appearing upon any ballot as a candidate for any office shall not be repeated thereon with respect to the same office. Nothing herein contained shall authorize the refusal to receive or count any ballot for any want of conformity with the requirements of this section.

Proviso.

Penalty.

SECTION 28. Whoever offends against any of the provisions of the preceding section shall be punished by fine

not exceeding one hundred dollars, or by imprisonment in jail not exceeding one year.

SECTION 29. If, within thirty days next following the day of an election, a person who received votes for any office at said election, serves by himself, his agent or attorney, upon the clerk of any town, a statement in writing claiming an election to such office, or declaring an intention to contest the election of any other person who has received, or who may receive, a certificate of election for the same, such clerk shall retain the envelope containing the ballots thrown at such election, sealed as provided by law, subject to the order of the body to which either of said persons may claim or be held to have been elected, or of the board required by law finally to examine the returns and issue certificates of election, or until such claim is withdrawn or such election is decided by the authority competent to finally determine the same. In all such cases said body or board may order the clerk of such town to appear before them and bring with him the envelopes containing the ballots cast at said election. Said clerk shall appear according to said order, and said body or board may open said envelopes, recount the ballots therein, and amend the returns relating thereto in accordance with the result of such recount.

Upon notice of a contested election, clerk to retain the envelope containing ballots.

Clerk may be ordered to appear with envelopes containing ballots.

SECTION 30. Whenever a recount of ballots is had under the preceding section, the provisions of chapter forty-two of the acts of the year eighteen hundred and eighty-three shall apply.

Contesting candidates may be present at recount.

SECTION 31. If, within six days next following the day of any election, ten or more qualified voters of any ward file with the city clerk a statement in writing that they have reason to believe that the returns of the officers of certain precincts in said ward are erroneous, specifying wherein they deem them in error, said clerk shall forthwith transmit such statement to the board of aldermen or the committee thereof appointed to examine the returns of said election. The board of aldermen, or their committee, shall thereupon, and within eight days next following the day of election, open the envelope or envelopes and examine the ballots thrown in said precinct, and determine the questions raised; they shall then again seal the envelope, either with the seal of the city or a seal provided for the purpose, and endorse upon said envelope a certificate that the same has been opened and again sealed

Recount of votes by the board of aldermen.

by them in conformity to law; and the envelope, sealed as aforesaid, shall be returned to the city clerk, who, upon the certificate of the board of aldermen, or of their committee, shall alter and amend such of the precinct returns as have been proved to be erroneous, and such amended returns shall stand as the true returns of the precinct.

Aldermen not to declare result of election until time for recount has expired.

SECTION 32. The board of aldermen shall not declare the result of an election until the time for filing a request for a recount of ballots has expired, or, in case of such request having been made, until the said ballots have been examined and the returns amended, if found erroneous; any provision in the charter of any city or in any act in amendment thereof to the contrary notwithstanding.

City clerk to furnish precinct clerks with seal for sealing up envelopes.

SECTION 33. The clerk of each city shall furnish to the clerks of the several precincts a seal of suitable device, the design for which shall include the number or designation of the ward and of the precinct for which it is furnished, and said seal shall be used in sealing the envelopes as required by law at any election.

County commissioners to notify person chosen treasurer or register of deeds.

SECTION 34. Section fifty of chapter seven of the Public Statutes is hereby amended to read as follows:— County commissioners shall, on the first Wednesday of the month next succeeding an election for county treasurer or register of deeds in their county, open and examine the returned copies of records of votes at such election and notify the person chosen of his election; they shall also forthwith notify the secretary of the Commonwealth of the name and residence of every person so chosen and the date when his term of service will expire; and shall give the like notice of any vacancy in either of said offices. In Suffolk County the board of aldermen of Boston, within ten days after an election for register of deeds for said county shall so open and examine the votes of such election and give notice as above provided.

Also to notify the secretary.

If it appears that copy of record is incomplete, etc., new copy may be required.

SECTION 35. If upon examination of the copies of the records of votes, as required by section forty-eight of chapter seven of the Public Statutes and section fifty of the same chapter, amended by this act, it shall appear to the board of examiners or county commissioners that any such copy is incomplete or erroneous, they may order a new copy of the record to be made and transmitted in the manner provided for making and transmitting the original return. Said new copy shall be returned by the clerk of

New copy to be

the city or town within seven days after the date of the order requiring the same to be made, and if adjudged to be correct and in conformity to the requirements of law, shall thereupon have the same force and effect as an original return correctly made and transmitted.

returned within seven days.

SECTION 36. Any city or town officer wilfully neglecting or refusing to perform the duties required of him under the preceding section and section twenty-nine shall for each offence forfeit a sum not exceeding two hundred dollars.

Penalty on city or town officer for neglect.

SECTION 37. Precinct officers shall possess full authority to maintain regularity and order and to enforce obedience to their lawful commands during an election and during the canvass of the votes after the closing of the polls, and shall have full authority to preserve peace and good order at and around the polling place and to keep the access thereto open and unobstructed, and may require any police officers, constables or other persons present to communicate their orders and directions and to assist in the performance of the duties in this section enjoined.

Precinct officers to have full power to preserve order at and around polling place.

SECTION 38. It shall be the duty of the chief executive officer of the police force of each city to detail a sufficient number of police officers for each voting precinct, who shall be stationed at each polling place in such precincts on the day of election to preserve order, and to protect each and all of said election officers and supervisors from any interference with or obstruction in the performance of their respective duties and to aid in enforcing the provisions of this act.

Police officers to be stationed at polling places.

SECTION 39. If any person shall refuse to obey the lawful commands of the election officers, or, by disorderly conduct in their presence or hearing, shall interrupt or disturb their proceedings, they may make an order directing any constable or police officer, or other person, to take the person so offending into custody, and detain him until the final canvass of the votes shall be completed, but such order shall not prohibit the person so taken into custody from voting at such election.

Arrest for disorderly conduct in presence of election officers.

SECTION 40. If any person shall wilfully disobey any lawful commands of the election officers, or shall wilfully and without lawful authority obstruct, hinder or delay any voter on his way to any polling place where an election shall be held, or while he is exercising, or attempting to

Arrest for obstructing voter at, or on his way to, polling place.

exercise, the right of voting, or shall aid or assist in such obstruction or delay, he shall be punished by fine not exceeding two hundred dollars, or by imprisonment in the house of correction for not more than one year.

Penalty for
illegal voting.

SECTION 41. Whoever knowing that he is not a qualified voter at an election wilfully votes for any officers to be then chosen, or whoever so votes more than once on his own name, or whoever so votes in more than one town, or voting precinct, his name having been registered more than once or in more than one town, or voting precinct, shall be punished by fine not less than three hundred dollars, or by imprisonment in jail for not less than three nor more than twelve months.

Penalty for aid-
ing in illegal
voting.

SECTION 42. Whoever wilfully aids or abets any one not legally qualified in voting or attempting to vote at an election, shall forfeit a sum not exceeding two hundred dollars for every such offence, or shall be punished by imprisonment in jail for not less than one nor more than twelve months.

Penalty for
altering ballot,
or depositing
ballot, with in-
tent to cheat.

SECTION 43. Whoever, with intent to cheat or defraud, alters any ballot cast for any officer at any election held for the choice of public officers; and whoever, with such intent, deposits any ballot in the ballot-box used at such election, or in the envelope used for the preservation of ballots cast at such election; and whoever, with such intent, removes any ballot from such ballot-box or envelope,—shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the jail not exceeding three years.

Election laws of
Boston not re-
pealed.

Repeal.

SECTION 44. The provisions of this chapter shall not be deemed to repeal the special laws relating to elections in the city of Boston. Sections one, two, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-four, thirty-six, thirty-eight, thirty-nine, fifty-one, fifty-two, fifty-five and sixty-two, of chapter seven of the Public Statutes, chapter two hundred and ninety-one of the acts of the year eighteen hundred and eighty-one, chapter seventy-four of the acts of the year eighteen hundred and eighty-two, and all acts and parts of acts inconsistent herewith, are hereby repealed; and in the remaining sections of said chapter seven, wherever the terms “ward,” “ward meetings” and “ward officers” occur, they shall be held to mean

precinct, precinct meetings and precinct officers, or election officers, respectively, as described in this act.

SECTION 45. This act shall take effect upon its passage ; but any election which may be held previous to the next state election, shall be conducted according to the provisions of law heretofore regulating the same.

Not to affect elections held previous to next state election.

Approved May 29, 1884.

AN ACT TO CHANGE THE NAME OF THE HARVARD CLOCK COMPANY. *Chap.300*

Be it enacted, etc., as follows :

SECTION 1. The name of the Harvard Clock Company, a corporation organized under the general laws of the Commonwealth, is changed to the Boston Clock Company.

Name changed to the Boston Clock Com. pany.

SECTION 2. This act shall take effect upon its passage.

Approved May 29, 1884.

AN ACT RELATING TO THE POWERS OF MARRIED WOMEN IN THE DISPOSAL OF THEIR SEPARATE ESTATE BY WILL OR DEED. *Chap.301*

Be it enacted, etc., as follows :

SECTION 1. Section six of chapter one hundred and forty-seven of the Public Statutes relating to the rights of a married woman to make her will is hereby amended so as to read as follows :—A married woman may make a will in the same manner and with the same effect as if she were sole, except that such will shall not, without the husband's written consent, operate to deprive him of his tenancy by the curtesy in her real estate, or of more than one-half of her personal estate. A married woman deserted by, or living apart from her husband for a justifiable cause, when the proper court having jurisdiction of the parties and the cause of action, shall have entered a decree establishing the fact of such desertion by, or living apart from her husband for justifiable cause, may make a will in the same manner and with the same effect as if she were sole, and may by such will, or under such circumstances by deed, without her husband's written consent, dispose of all her real and personal estate.

Right of married women to dispose of property by will or deed.

SECTION 2. This act shall take effect upon its passage.

Approved May 29, 1884.

Chap.302 AN ACT TO REGULATE THE CONSTRUCTION AND OPERATING OF
TELEPHONIC, TELEGRAPHIC AND OTHER ELECTRICAL LINES.

Be it enacted, etc., as follows:

Penalty for
affixing tele-
phonic line, etc.,
to property of
another without
permission.

SECTION 1. Every corporation or person maintaining or operating a telephonic, telegraphic or other electrical line, or any one who in any manner affixes or causes to be affixed to the property of another any post, structure, fixture, wire or other apparatus for telephonic, telegraphic or other electrical communication, or enters upon the property of another for the purpose of affixing the same without first obtaining the consent of the owner or lawful agent of the owner of such property, shall on complaint of such owner or his tenant, be punished by fine not exceeding one hundred dollars.

Name of corpo-
ration to be
marked upon
post or structure
where line is
affixed.

SECTION 2. Every corporation or person maintaining or operating a telephonic, telegraphic or other electrical line shall, at all places where such line is affixed by any post, structure or fixture to the property of another, mark such post, structure or fixture in a clear, durable and legible manner with the name of the corporation or person maintaining or operating such line, and any corporation or person failing to comply with the provisions of this section shall for each failure so to comply be punished by fine not exceeding one hundred dollars.

To take effect
Jan. 1, 1885.

SECTION 3. This act shall take effect on the first day of January in the year eighteen hundred and eighty-five.

Approved May 29, 1884.

Chap.303 AN ACT TO AMEND THE CHARTER OF THE CITY OF SPRINGFIELD IN
RELATION TO THE ELECTION OF ALDERMEN.

Be it enacted, etc., as follows:

Election of
aldermen.

SECTION 1. The aldermen of the city of Springfield shall consist of one citizen from each ward elected at large for the term of two years by the qualified voters of the city voting in their respective wards: *provided*, that after the first election under this act one-half of the number of said aldermen shall be elected in alternate years, to wit:— At the first municipal election after this act shall take effect an alderman shall be elected from each of the wards one, three, five and seven for the term of one year, and from each of wards two, four, six and eight for the term of two years, and thereafter as herein before provided the aldermen shall be chosen for the term of two years.

SECTION 2. All parts of the charter of the city of Springfield or amendments thereto inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its acceptance by a majority of the qualified voters of the city of Springfield voting in their respective wards at the next municipal election following the passage of this act.

Subject to acceptance by a majority vote.

Approved May 29, 1884.

AN ACT RELATING TO PRACTICE IN THE SUPERIOR COURT.

Chap. 304

Be it enacted, etc., as follows :

SECTION 1. Whenever in an action upon the trial list for any term of the superior court the parties thereto file an agreement in writing that such action shall be marked for trial not before a certain day in the same or the succeeding term, such action shall, if reached in its order upon said trial list before such day, be postponed thereto in accordance with such agreement, and shall be placed upon the list of actions in order for trial on such day next after the cases, if any, which have been on the list for the preceding court day : *provided*, that if such action is in order for trial on the day on which such agreement is filed, it shall not, if reached on that day, be so postponed except by order of the court.

Disposition of actions upon the trial list by agreement of parties.

Proviso.

SECTION 2. If two or more actions are postponed, as provided in the preceding section, to the same day, they shall be placed upon the list of actions for trial on that day in the order in which the agreements for such postponement were filed.

On list for trial in the order in which agreements were filed.

Approved June 2, 1884.

AN ACT TO AUTHORIZE THE BOSTON, BARRE AND GARDNER RAILROAD CORPORATION TO USE THE PROCEEDS OF CERTAIN BONDS IN ITS TREASURY.

Chap. 305

Be it enacted, etc., as follows :

SECTION 1. The Boston, Barre and Gardner Railroad Corporation is hereby authorized to use the proceeds of the sales of the remainder of the bonds authorized under the provisions of chapter two hundred and seventy-two of the acts of the year eighteen hundred and seventy-nine, which bonds are now in its treasury, for the purpose of providing for the payment of its indebtedness now outstanding or hereafter to be created : *provided*, that no legal or equitable right of any holder of any bond hereto-

May use proceeds of sales of certain bonds for payment of indebtedness.

Proviso.

Rights of bond-
holders not im-
paired.

fore issued under the authority of said chapter two hundred and seventy-two of the acts of eighteen hundred and seventy-nine shall be in any way affected or impaired by the provisions of this act or by the issue of any bonds hereafter to be issued under the same until he shall have signified his consent to the provisions of this act by filing such consent in writing with the trustees under said mortgage, specifying therein the numbers and amounts of the bonds held by him, and by endorsement of such consent on said bonds.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1884.

Chap. 306 AN ACT PROVIDING FOR COMPENSATION FOR DAMAGES OCCASIONED
BY THE ERECTION OF TELEGRAPH AND TELEPHONE LINES.

Be it enacted, etc., as follows :

Compensation
for damages
caused by erec-
tion of telegraph
and telephone,
lines.

SECTION 1. Section four of chapter one hundred and nine of the Public Statutes is hereby amended so as to read as follows : — An owner of land abutting upon a highway or road along which telegraph or telephone, electric light or electric power lines have been or shall hereafter be constructed, erected or altered in location or construction by any telegraph or telephone, electric light or electric power company, if said owner's property is in any manner injuriously affected or lessened in value whether by occupation of the ground or of the air, or otherwise by such construction, erection or alteration in location or construction of any such telegraph or telephone line whether such owner is also the owner of the fee in such way or not, may within three months after such construction, erection or alteration, or in the case of lines heretofore constructed, within one year from the passage of this act apply to the mayor and aldermen or selectmen to assess and appraise his damage. Before entering upon the service the mayor and aldermen or selectmen shall severally be sworn faithfully and impartially to perform the duties required of them by this act. They shall on view make a just appraisement in writing of the loss or damage, if any, to the applicant, sign duplicates thereof, and on demand deliver one copy to the applicant and the other to the company or its agent. If damages are assessed the company shall pay the same with the costs of the appraisers. If the appraisers award that the

Damages to be
assessed by
mayor and
aldermen or
selectmen.

applicant has suffered no damage he shall pay the costs of the appraisers.

SECTION 2. If any such telegraph or telephone company shall not pay the amount of the damages appraised as provided in section one of this act, or in case of appeal the amount of the final judgment, within thirty days after demand, the mayor and aldermen or selectmen may upon request of the person in whose favor such appraisal or judgment was made remove all the posts, wires or other structures of such company from that portion of the street or way upon which the land of such person abuts. Before the mayor and aldermen or selectmen remove any such posts, wires or other structures they shall leave a written statement at the office of such company in such city or town of the time when and place where they intend to remove such posts, wires or structures, not less than forty-eight hours prior to such removal. If such company has no office in such city or town such notice shall be deposited in the post office, postage prepaid, and directed to such company at its office in some city or town in the county. The city or town so removing any such posts, wires or structures may recover the expense thereof of such company. Nothing in this section shall prevent such judgment creditor from the collection of the amount due him in the manner provided by law.

If amount is not paid within thirty days, posts may be removed.

Expense of removal recoverable from the company.

Approved June 2, 1884.

AN ACT TO PREVENT THE ADULTERATION OF VINEGAR.

Chap. 307

Be it enacted, etc., as follows:

SECTION 1. No person shall by himself, his servant or agent or as the servant or agent of any other person, sell, exchange, deliver, or have in his custody or possession with intent to sell or exchange, or expose or offer for sale or exchange any adulterated vinegar, or label, brand or sell as cider vinegar, or as apple vinegar, any vinegar not the legitimate product of pure apple juice, or not made exclusively from apple cider.

Cider vinegar only permitted to be sold.

SECTION 2. All vinegar shall have an acidity equivalent to the presence of not less than five per cent. by weight of absolute acetic acid, and in the case of cider vinegar shall contain in addition not less than one and one-half per cent. by weight of cider vinegar solids upon full evaporation over boiling water, and if any vinegar contains less than the above amount of acidity, or if any cider vinegar contains less than the above amount of cider

Merchantable vinegar.

vinegar solids, such vinegar shall be deemed to be adulterated within the meaning of this act.

Inspectors of milk to enforce law.

SECTION 3. It shall be the duty of the inspectors of milk who may be appointed by any city or town to enforce the provisions of this act.

Penalty.

SECTION 4. Whoever violates any of the provisions of this act shall be punished by fine not exceeding one hundred dollars.

Repeal.

SECTION 5. All acts or parts of acts inconsistent with this act are hereby repealed. *Approved June 2, 1884.*

Chap.308 AN ACT TO PROTECT GAME, AND TO PROTECT PRIVATE LANDS FROM TRESPASS.

Be it enacted, etc., as follows:

Not to enter upon land for shooting, etc., where notice is posted.

SECTION 1. Whenever the owner of any land shall conspicuously post on the same, notices that shooting or trapping is prohibited thereon, it shall be unlawful for any person to enter upon such land for the purpose of shooting or trapping, without permission of the owner thereof.

Game artificially propagated, protected.

SECTION 2. Game artificially propagated and maintained upon lands, posted as above, shall be the exclusive property of the person propagating and maintaining the same, but such person shall not sell such game for food at seasons when its capture is prohibited by law.

Penalty.

SECTION 3. Whoever offends against any of the provisions of this act shall be punished by fine not exceeding twenty dollars. *Approved June 2, 1884.*

Chap.309 AN ACT TO INCORPORATE THE CITY OF WALTHAM.

Be it enacted, etc., as follows:

City of Waltham incorporated.

SECTION 1. The inhabitants of the town of Waltham shall continue to be a body politic and corporate under the name of the "City of Waltham," and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said town as a municipal corporation.

Government vested in a mayor and one council of twenty-one members, called the board of aldermen.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in an officer to be called the mayor, and one council of twenty-one members, to be called the board of aldermen. A majority of said board shall constitute a quorum for the transaction of business,

and no member shall receive any compensation for his services.

SECTION 3. The territory of said city shall be divided into seven wards so that the wards shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters.

City to be divided into seven wards.

SECTION 4. The municipal election shall take place on the first Tuesday of December annually; and the municipal year shall begin on the first Monday of January following. All meetings of the citizens for municipal purposes shall be called by warrants issued by the mayor and aldermen, which shall be in such form, and be served, executed and returned in such manner and at such times as the board of aldermen may by ordinance direct.

Municipal election, and beginning of municipal year.

SECTION 5. The mayor and aldermen are authorized, when no convenient ward room for holding ward meetings of the citizens of either of the wards of the city can be had within the territorial limits of such ward, to appoint and direct, in the warrants for calling the ward meetings of such wards, the said meetings to be held in some convenient and proximate place within the limits of any other of the wards of said city; and for such purposes the place so assigned for the meeting of such ward shall be deemed and taken to be included in and part of said ward, as though the same was in the territorial limits thereof.

Ward meetings may be held without the limits of the ward by order of the mayor and aldermen.

SECTION 6. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively chosen, notwithstanding their removal after their election out of their respective ward into any other wards of the city; but a removal of residence out of the city shall cause a vacancy to exist in the offices to which they were chosen.

Officers held to the discharge of their duties notwithstanding removal to another ward.

SECTION 7. The mayor shall be elected by and from the qualified voters of the city at large, voting in their respective wards or precincts, and shall hold his office for the municipal year next following his election, and until his successor is elected and qualified.

Mayor to be elected at large.

SECTION 8. Three aldermen shall be elected by and from the qualified voters of each ward, and shall at the time of their election be residents of the wards respectively in which they are elected; they shall hold their offices for the municipal year next following their election, and until a majority of the succeeding board is elected and qualified.

Three aldermen to be elected from each ward.

Annual election
on the first
Tuesday of
December.

Election of
mayor, alder-
men and school
committee.

SECTION 9. On the first Tuesday of December annually the qualified voters in the several wards shall give in their votes by ballot for mayor, aldermen and school committee, in accordance with the provisions of the laws of the Commonwealth. The clerk of each ward or precinct within twenty-four hours thereafter shall deliver to the city clerk a copy of the record of such election, certified by the warden and clerk and a majority of the inspectors, who shall forthwith enter the same in the city records; the city clerk shall, within fourteen days thereafter, deliver to the persons elected members of the board of aldermen, certificates of their election: *provided, however*, that if the choice of members of the board of aldermen shall not be effected on that day in any ward, the board of aldermen shall order a new election to be held in such ward to fill the vacancy. The board of aldermen shall, within ten days thereafter, examine the copies of the records of the several wards or precincts, certified as aforesaid, and shall cause the persons who shall have been elected members of the school committee, and the person who shall have been elected mayor to be notified in writing, respectively, of their election. If it shall appear by such examination that there is no choice of mayor, or if the person elected shall refuse to accept the office, warrants shall be issued for a new election, and the same proceedings shall be had in all respects as are herein before provided for the election of mayor, and from time to time shall be repeated until a mayor shall be elected and shall accept said office. In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, it shall be the duty of the board of aldermen, by vote, to declare that a vacancy exists, and the cause thereof; and thereupon the president of the board of aldermen shall be vested with the powers and authority of the mayor, until the inability ceases or the vacancy is filled by a new election.

Vacancy in the
office of mayor.

Organization of
the city govern-
ment.

SECTION 10. On the first Monday of January, at three o'clock in the afternoon, the mayor and board of aldermen elect shall meet, when they shall be sworn to the faithful discharge of the duties of their respective offices. The oath shall be administered by the city clerk or by any justice of the peace, and the certificate of such oath having been taken shall be entered on the journal of the board of aldermen by its clerk. The board of aldermen shall then

be organized by the choice of a president, to hold his office during the pleasure of the board. In case of the absence of the mayor elect on the first Monday of January, or if the mayor shall not then have been elected, the board of aldermen shall organize itself in the manner herein before provided; and the oath of office may, at any time thereafter, in the presence of the board be administered to the mayor, and to any member of the board who may have been absent at the organization. The board of aldermen shall keep a record of its proceedings, and judge of the election of its own members; and in case of a vacancy declared in the board, a warrant shall be issued for an election to fill such vacancy. Whenever, under the provisions of this act, the president of the board of aldermen is vested with the powers and authority of the mayor, and whenever the president is absent, the board shall choose a president *pro tempore*. The sessions of the board shall be public, except when action is taken upon elections, appointments or removals.

Board of aldermen to keep record of proceedings, and be judge of election of members.

President *pro tempore*.

SECTION 11. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the mayor and aldermen. He shall cause the laws and the ordinances, orders and regulations of the city to be executed and enforced, and shall exercise supervisory and advisory, but not directory, powers over every department of the city administration. He may suspend any officer, and may suspend any work or payment, whether under contract or otherwise, for a period not exceeding ten days; but in such case he shall report his action, with his reasons therefor, to the board of aldermen, which shall take immediate action thereon. He shall from time to time communicate to the board of aldermen, such information and recommend such measures as the interests of the city may in his opinion require. All contracts in behalf of the city shall be signed by him. He may call special meetings of the board of aldermen by causing notices to be left at the usual place of residence of each member thereof. He shall at all times have the control and direction of the police force, subject only to the ordinances of the city. His salary shall be fixed by the board of aldermen, but shall not for the first five years, under this charter, exceed the sum of five hundred dollars per annum. It shall be payable at stated periods, and shall not be increased or diminished during the year for

Mayor to be chief executive officer.

To communicate information to board of aldermen and recommend measures.

Salary

which he is elected. He shall receive no other compensation.

Ordinances, orders, etc., except, etc., to be presented to mayor for approval.

Proceedings in case of return, with objections.

Mayor may object to one or more subjects and approve of others.

Mayor and aldermen to exercise the executive power of the city.

To appoint constables and police officers.

SECTION 12. Every ordinance, order, resolution or vote of the board of aldermen, except such as relate to the internal affairs of the board, to the election or removal of city officers whose election is vested in the board of aldermen by this act, or to the declaration of a vacancy in the office of mayor, shall be presented to the mayor. If he approves thereof, he shall signify his approval by signing the same. If he does not approve thereof, he may return the ordinance, order, resolution or vote, with his objections, in writing, to the board of aldermen, which shall proceed to reconsider the same; and if after such reconsideration, two-thirds of those present and voting, being at least a majority of the whole board, shall, by a yea and nay vote, favor the passage of the ordinance, order, resolution, or vote, notwithstanding such objections, then the same shall be in force; and if the ordinance, order, resolution or vote is not returned by the mayor within ten days after it has been presented to him, the same shall be in force: *provided*, that if any such ordinance, order, resolution or vote embraces distinct subjects, or distinct items of appropriation or expenditure the mayor may approve the provisions relating to one or more of the subjects or items, and not approve of the other provisions; in such case, instead of returning the original, he shall within ten days after the same is presented to him, return a copy of the portion not approved, and the same shall be reconsidered as above provided.

SECTION 13. The executive power of said city, with all the powers heretofore vested by special statute in the selectmen of the town of Waltham, and all the powers of selectmen of towns, and of a mayor and aldermen of cities under general laws shall be vested in and exercised by the mayor and aldermen, except as herein provided. The mayor and aldermen shall have full and exclusive power to appoint annually constables, a city marshal or chief of police, with the powers and duties of a constable, and all other officers required to be appointed by the ordinances of the city, or required or authorized to be appointed by selectmen of towns and the mayor and aldermen of cities by general laws, any of whom may at any time be removed by the mayor, with the consent of the aldermen, for sufficient cause; they may require any person who may

be appointed a constable, city marshal or chief of police of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such an amount as they may deem reasonable and proper, upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by selectmen of towns. The compensation of all officers appointed by the mayor and aldermen, shall be fixed by vote of the board of aldermen.

Compensation to be fixed by board of aldermen.

SECTION 14. In all cases in which appointments are to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, which nomination shall be subject, however, to confirmation or rejection by the board of aldermen. If a person so nominated shall be rejected, the mayor shall make another nomination within one month from the time of such rejection.

Mayor to nominate, and aldermen confirm or reject.

SECTION 15. The board of aldermen shall have control and custody of all city property, with power to let what may be legally let, and to sell; purchase or hire property, real or personal, in the name and for the use of the city, whenever the interests or convenience of the city may in their judgment require it; and shall have power to require a bond with sufficient sureties of any officer elected by the board of aldermen, or appointed by the mayor and aldermen; to establish by ordinance such offices as may be necessary for any municipal purposes; to elect all officers, required to be elected by the ordinances of the city, and such subordinate officers, as may be elected by towns under general laws for whose election or appointment other provision is not herein made, define their duties and fix their compensation; to act upon all matters in which authority is now given to said town of Waltham under any acts to supply said town with water; to lay out, alter, discontinue, locate anew, fix the grade of, or order specific repairs in, any highway, street or town way, and to estimate and assess the damages any person may sustain thereby, and the powers of the board of aldermen shall be exclusive therein; any person sustaining damage to property by the proceedings of the board of aldermen under this provision, shall have all the rights and privileges now allowed in appeals from the decisions of selectmen or the inhabitants of towns; but there shall be no appeal from a decision not to lay out a way; to act upon all matters in which authority is given by general laws relating to streets,

Board of aldermen to have custody and control of city property.

To establish by ordinance such offices as may be necessary.

To act upon matters relative to water supply.

To lay out streets, etc.

Ordinances and orders of the board of aldermen to be executed by the administrative boards and officers.

sidewalks, drains and sewers, and the taking of land from which may be taken earth and gravel; and generally shall have and exercise all the powers of towns and all the powers of city councils and board of aldermen under general laws, and may, by ordinance prescribe the manner in which said powers shall be exercised. The ordinances and orders of the board of aldermen, except such as relate only to the internal affairs of the board, shall be enforced and executed by the administrative boards and officers herein named, and such other boards and officers as the board of aldermen may, by ordinance or otherwise, establish: *provided*, that no member of the board of aldermen shall, during the term for which he is elected, be a member of any board, or hold any office charged with the disbursement of city funds, or have the expenditure of any money appropriated by the board of aldermen. The board of aldermen may by its orders and ordinances prescribe the duties of, and direct and control the administrative boards and officers in the performance of their duties; but shall not, through its committees or otherwise than by such formal acts, exercise any authority over the administrative officers. No money shall be expended and no liability of the city shall be incurred by any board or officer of the city except in pursuance of an order of the board of aldermen. The board of aldermen shall appropriate annually the amount necessary to meet the expenditures of the city for the current municipal year; and such appropriations shall not be increased except by a vote of two-thirds of all the members of the board, voting by yeas and nays. The board shall, as often as once a year, cause to be published for the use of the inhabitants a particular account of the receipts and expenditures, and a statement of city property and of the city debt. Any appropriation made by the board of aldermen for the erection of a city hall, or for land for a location for such building, shall be subject to ratification by the legal voters of the city, voting in their respective wards or precincts at an annual municipal election.

Annual appropriations.

Appropriation for a city hall subject to ratification by the voters.

Orders for appropriation of money to have two separate readings, upon different days.

No officer to be interested in any contract.

SECTION 16. Every ordinance, order, resolution or vote of the board of aldermen involving the appropriation or expenditure of money, shall, before being put upon its final passage, have at least two separate readings, and those readings shall not both occur upon the same day.

SECTION 17. Neither the mayor, members of the board of aldermen, members of city boards, or any officer of the

city, shall be interested directly or indirectly in any contract or agreement to which the city is a party, nor shall any such person furnish supplies of any kind to the city while holding office therein.

SECTION 18. The board of aldermen shall annually, as soon after its organization as may be convenient, elect by ballot, a city clerk, a city treasurer, who shall be the collector of taxes, and a city auditor, who shall hold their offices for the current municipal year following their election, and until their respective successors shall be elected and qualified: *provided, however*, that either of the officers named in this section may be removed at any time by the board of aldermen for sufficient cause. Vacancies in the above named offices may be filled by ballot of the board of aldermen, at any time. The compensation of the officers named in this section shall be fixed by vote of the board of aldermen, and the official fees by them received shall be paid into the city treasury.

Election of city clerk, city treasurer, and a city auditor.

Proviso.

SECTION 19. The city clerk shall, before entering upon the duties of his office, be sworn to the faithful discharge thereof. He shall have charge of all journals, records, papers and documents of the city, sign all warrants issued by the mayor and aldermen, and do such other acts in his said capacity as the mayor and aldermen and the board of aldermen may lawfully and reasonably require of him; and shall deliver all journals, records, papers and documents, and other things entrusted to him as city clerk, to his successor in office. He shall also perform all the duties and exercise all the powers by law incumbent upon or vested in clerks of towns of this Commonwealth. He shall be clerk of the board of aldermen; shall attend said board when the same is in session, and keep a journal of its acts, votes and proceedings. He shall also be clerk of the mayor and aldermen; shall attend all the meetings of the same and keep a journal of their acts, votes and proceedings. He shall engross all the ordinances passed by the board of aldermen in a book provided for that purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances; he shall issue to every person who is appointed to any office by the mayor and aldermen, or elected to any office by the board of aldermen, a certificate of such election or appointment. In case of the temporary absence of the city clerk, the board of aldermen may elect a clerk *pro tempore*, with all the

City clerk to be sworn.

To have charge of journals and records.

To be clerk of the board of aldermen.

City clerk *pro tempore*.

powers, duties and obligations of the city clerk, who shall be duly qualified.

Assessors of
taxes to serve
for three years.

SECTION 20. The board of aldermen first elected under this act shall, as soon after its organization as may be convenient, elect by ballot three persons, legal voters of said city, to be assessors of taxes in said city, to serve one for three years, one for two years, and one for one year from the first Monday of March then next ensuing, and until their respective successors are elected and qualified; and thereafter the board of aldermen shall annually, in the month of February, elect in the same manner one person, a legal voter in said city, to serve for the term of three years from the first Monday of March then next ensuing, and until his successor shall be elected and qualified. The persons so elected shall constitute the board of assessors, and shall exercise the powers and be subject to the duties and liabilities of assessors in towns. Any vacancy occurring in said board of assessors may be filled by vote of the board of aldermen at any time, and the member so elected shall hold office only for the unexpired term of the member who has ceased to hold office. All taxes shall be assessed, apportioned and collected in the manner prescribed by law. The assessors may appoint a clerk, whose compensation, and the compensation of the assessors, shall be fixed by vote of the board of aldermen.

Vacancy.

May appoint a
clerk.

Assistant
assessors.

SECTION 21. The board of aldermen shall have power by ordinance to create and establish the office of assistant assessor; and whenever said office shall have been so established the board of aldermen shall annually, in the month of February, elect by ballot, one legal voter from each ward to be assistant assessor for one year from the first Monday of March then next ensuing, and until his successor is elected and qualified. Said assistant assessors shall furnish the assessors with all necessary information relative to persons or property taxable in their respective wards; and they shall be sworn to the faithful performance of their duty. Any vacancy occurring in the number of assistant assessors may be filled by ballot of the board of aldermen at any time. The compensation of the assistant assessors shall be fixed by vote of the board of aldermen.

Overseers of the
poor to serve for
three years.

SECTION 22. The board of aldermen first elected under this act shall, as soon after its organization as may be convenient, elect, by ballot, three persons, legal voters of said city, to constitute a board of overseers of the poor in

said city, to serve one for three years, one for two years, and one for one year from the first Monday of March then next ensuing, and until their respective successors are elected and qualified; and thereafter the board of aldermen shall annually, in the month of February, elect in the same manner one person, a legal voter of said city, to serve for the term of three years from the first Monday of March then next ensuing, and until his successor shall be elected. Said board of overseers shall organize, annually, by the choice of a chairman, and a clerk, who may be one of their own number, and who may be removed by the board; the compensation of the clerk shall be fixed by the board of aldermen; the members of the board shall serve without compensation.

To organize by choice of chairman and clerk.

SECTION 23. The board of aldermen first elected under this act shall, as soon as may be convenient after its organization, elect by ballot three persons, legal voters of said city, to constitute a board of street commissioners; to serve one for three years, one for two years, and one for one year from the first Monday of March then next ensuing, and until their respective successors are elected; and thereafter the board of aldermen shall, annually, in the month of February, elect in the same manner one person, a legal voter of said city, to serve on said board of commissioners for the term of three years from the first Monday of March then next ensuing, and until his successor shall be elected. Said board of street commissioners shall be organized, annually, by the choice of a chairman and a clerk; and they shall appoint, annually, but not of their own number, a superintendent, who shall be under their direction and control; said clerk and superintendent may be removed by said board of commissioners at any time. The compensation of the clerk and superintendent shall be fixed by the board of aldermen; the members of the board shall serve without compensation.

Street commissioners to serve for three years.

To appoint a clerk and superintendent.

SECTION 24. The board of aldermen first elected under this act shall, as soon as may be convenient after its organization, elect by ballot three persons, legal voters of said city, to constitute a board of water commissioners, to serve one for three years, one for two years, and one for one year from the first Monday of March then next ensuing, and until their respective successors are elected; and thereafter the board of aldermen shall, annually, in

Water commissioners to serve for three years.

To appoint a clerk and superintendent.

the month of February, elect in the same manner one person, a legal voter of said city, to serve on said board of commissioners for the term of three years from the first Monday of March then next ensuing, and until his successor is elected. Said board of commissioners shall be organized, annually, by the choice of a chairman; they shall annually appoint a clerk and a superintendent, but not of their own number, who shall be under their control and direction, and may be by them removed. The compensation of the clerk and superintendent shall be fixed by the board of aldermen; the members of said board shall serve without compensation.

Board of health to serve for three years.

SECTION 25. The board of aldermen first elected under this act shall, as soon as may be convenient after its organization, elect by ballot three persons, legal voters of said city, to constitute a board of health, to serve one for three years, one for two years, and one for one year from the first Monday of March then next ensuing, and until their respective successors are elected; and thereafter the board of aldermen shall annually, in the month of February, elect in the same manner, one person, a legal voter of said city, to serve as a member of said board of health for the term of three years from the first Monday of March then next ensuing, and until his successor shall be elected. Elections shall be so made that one member, at least, of said board shall be a physician. The members of the board of health shall serve without compensation.

One member of the board to be a physician.

Directors of the public library.

SECTION 26. The board of aldermen first elected under this act shall, as soon as may be convenient after its organization, elect by ballot six persons, inhabitants of said city, to constitute a board of directors of the public library who shall have the supervision, management and care of the public library of said city. Said board shall be elected to serve two for three years, two for two years, and two for one year from the first Monday of March then next ensuing, and until their respective successors shall be elected; and thereafter the board of aldermen shall, annually, in the month of February, elect in the same manner two persons, inhabitants of said city, to serve for three years from the first Monday of March then next ensuing, and until their respective successors are elected. Said board of directors shall annually appoint, but not of their own number, one or more librarians, to be under their direction and control, and may remove such libra-

To appoint a librarian.

rians. The compensation of such librarians shall be fixed by the board of aldermen. The members of said board shall serve without compensation.

SECTION 27. The board of aldermen first elected under this act shall, as soon after its organization as may be convenient, elect by ballot six persons, legal voters of said city, to constitute a board of managers of the public cemeteries, to serve two for three years, two for two years, and two for one year, from the first Monday of March then next ensuing, and until their respective successors shall be elected, and thereafter the board of aldermen shall annually, in the month of February, elect in the same manner, two persons, legal voters of said city, to serve on said board of managers for three years from the first Monday of March then next ensuing, and until their respective successors shall be elected. The said board shall have charge and control of the public cemeteries and burial places of said city, and shall serve without compensation.

Managers of
public cemeteries.

SECTION 28. Any vacancy occurring in either of the boards established under the provisions of the six preceding sections of this act, may be filled by the board of aldermen voting by ballot at any time; and any member of either of said boards may at any time be removed by the board of aldermen, for sufficient cause.

Vacancies in
boards may be
filled at any
time.

SECTION 29. The board of aldermen shall establish a fire department for said city, and shall by ordinance determine of what officers and members said department shall consist, prescribe the time and mode of their appointment and removal, define their powers, duties and periods of service, fix their compensation and make such other regulations regarding their conduct and government as they deem expedient. The engineers or other officers of the department, appointed as aforesaid, shall have all the powers and authority conferred upon fire wards by the Public Statutes. The board of aldermen of said city may by ordinance make regulations concerning the management of the conduct of all persons present at the same, the removal and protection of property, the examination of any building or place where combustible materials or substances are supposed to be kept or deposited, the removal of such materials and substances, and the adoption of other suitable safeguards against fires and the loss or destruction of property by reason of the same. Said city

Fire department.

Regulations,
concerning
management at
fires.

may procure and hold such land, buildings, furniture, engines and other apparatus as may be necessary for the purposes of the fire department; and the board of aldermen may by ordinance make regulations regarding the use, control and preservation thereof.

School committee to consist of the mayor *ex officio*, and nine inhabitants elected at large.

SECTION 30. The school committee shall consist of the mayor, *ex officio*, and nine other persons, inhabitants of said city, who shall be elected at large by the qualified voters of the city, voting in their respective wards or precincts by ballot. At the first election under this act there shall be so elected three persons to serve for the term of three years, three for the term of two years, and three for the term of one year, from the first Monday of January then next ensuing; and thereafter, at each annual municipal election, there shall be elected in the same manner, three persons to serve as members of said committee for the term of three years from the first Monday of January then next ensuing. Any vacancy occurring in said committee may be filled, for the remainder of the municipal year, by the joint ballot of the board of aldermen and school committee, in convention, and for the unexpired term thereafter shall be filled at the first municipal election after such vacancy occurs. The members of the committee shall serve without compensation. The mayor

Vacancy.

Mayor to be chairman of the committee.

Superintendent of schools.

shall be chairman of said committee. Said committee shall annually appoint one of their own number to attend the meetings of the board of aldermen for the purposes hereinafter mentioned, and said committee shall annually appoint a secretary, one of their number or otherwise, who shall be under their direction and control; they shall annually appoint, but not of their own number, a superintendent of the schools. The committee shall fix the salaries of such secretary and superintendent and may remove them for sufficient cause. All the rights and obligations of said town of Waltham in relation to the grant and appropriations of money for the support of schools, and the special powers and authority heretofore conferred by law upon the inhabitants of said town to raise money for the support of schools therein, shall be merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools, and the erection and repair of school-houses in said city, shall be made by the board of aldermen in the same

manner as grants and appropriations are made for other city purposes.

SECTION 31. The chairman of the board of overseers of the poor, of the board of street commissioners, of the board of water commissioners, and the member of the school committee appointed for that purpose shall, respectively, be entitled to seats with the board of aldermen, and shall have the right to discuss all matters relating to their respective departments of city affairs, but without the right to vote; they shall be notified in like manner with members of the board of aldermen of all special meetings of that board. Every officer of the city, except the mayor, shall at the request of the board of aldermen, appear before the board and give such information as it may require, and answer such questions as may be asked in relation to any matter, act or thing connected with his office or the discharge of the duties thereof.

The chairman of the several boards, etc., to have seats with board of aldermen without the right to vote.

SECTION 32. The board of aldermen shall have power within said city to make and establish such ordinances and by-laws, not inconsistent with the laws of the Commonwealth, as cities and towns have power by law to make and establish, such ordinances and by-laws to have force and effect within such city; and to modify, amend or repeal the same, and to annex penalties, not exceeding twenty dollars, for the breach thereof, all without the sanction of any court or justice thereof: *provided, however*, that all laws and regulations in force in the town of Waltham, shall, until they shall expire by their own limitation, or be revised or repealed by the board of aldermen, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury, and any complaint for any violation thereof may be made by the mayor, city clerk, city treasurer, city marshal or chief of police.

Aldermen may establish ordinances and by-laws.

Proviso.

SECTION 33. All elections of national, state, county and district officers, who are chosen by the people, shall be held at meetings of citizens qualified to vote in such elections, in their respective wards or precincts, at the times prescribed by law; and such meetings shall be called by the mayor and aldermen in the same manner as meetings for municipal elections are called; the votes given for such officers shall be received, assorted, counted, declared and recorded in open ward or precinct meetings.

Elections of national, state, county and district officers.

Certified copies of records to be delivered to city clerk.

The ward or precinct clerks shall forthwith deliver to the city clerk certified copies of the records so made; and all ballots and check lists shall be sealed and transmitted to the city clerk in the manner provided by the laws of the Commonwealth. The city clerk shall forthwith record such returns; and the mayor and aldermen shall, within the time provided by law, after every such election, examine and compare all such returns, and copies of the record of the votes attested by the clerk and certified by the mayor and majority of the aldermen, and certificates of the election of representatives signed by the mayor and a majority of the aldermen shall be transmitted, delivered and returned as by law required. If the whole number of representatives to the general court are not elected, the mayor and aldermen shall issue their warrants for a new election, conformably to the constitution and laws.

If all of the representatives are not elected, new warrant to issue.

Rights, suits, etc., not affected.

SECTION 34. The passage of this act shall not affect any right, accruing or accrued, or any suit, prosecution, or other legal proceeding pending at the time when this act shall go into operation, and no penalty or forfeiture previously incurred shall be affected hereby. All persons holding office in said town at the time this act shall take effect, shall continue to hold the same, notwithstanding the passage hereof, until the organization of the city government hereby authorized shall be effected, and until the successors of such officers shall be respectively elected and qualified.

Officers to continue until successors are elected and qualified.

Selectmen to divide town into seven wards.

SECTION 35. For the purpose of organizing the government hereby authorized, and of putting the same in operation, the selectmen of said town shall, as soon as may be after the acceptance of this act as herein provided, divide said town into seven wards, so that they shall contain as nearly as may be consistent with well defined limits to each ward an equal number of voters, and designate said wards by numbers; they shall at least seven days previous to the first Tuesday of December next after the acceptance of this act, appoint a ward clerk for each of the several wards in said city, who shall be a legal voter in said city, and who shall be sworn to a faithful discharge of the duties of his office, and shall perform all the duties of ward clerk required by existing laws, until his successor is appointed and qualified; said selectmen shall also issue their warrants seven days at least previous to said first Tuesday of December, calling meetings of the citizens of

First meeting for election of city officers.

each ward on that day, at such place and hour as they may deem expedient, for the purpose of choosing a warden and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records in each ward specifying the votes given for the several officers aforesaid, certified by the warden and clerk of the ward at said first meeting, shall be returned to the selectmen, whose duty it shall be to examine and compare the same; and in case such elections should not be completed at the first meeting then to issue new warrants until such elections shall be completed, and to give notice thereof, in manner before provided, to the several persons elected. And at said first meeting a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when appointed, to be used as herein before provided. After the choice of the mayor and aldermen, or a majority of the board of aldermen, as aforesaid, the selectmen shall appoint a place for the first meeting of the mayor and aldermen, and shall, by written notice left at the place of residence of the mayor and each member of said board twenty-four hours at least before said meeting notify them thereof. And after this first election of city officers, and this meeting for the organization of the board of aldermen, according to the provisions of section ten of this act, as provided for in this section, the day of holding the annual elections and the day and hour for the meeting of the mayor and board of aldermen for the purpose of organization shall remain as provided in the fourth and tenth sections of this act. It shall be the duty of the mayor and board of aldermen, immediately after the first organization, to carry into effect the several provisions of this act.

SECTION 36. This act shall be void unless the inhabitants of said town, at a legal town meeting called for that purpose, to be held within two years from the passage of this act, shall, by a majority of the voters present and voting thereon as herein after provided, determine to adopt the same. At such meeting the votes shall be taken by written or printed ballots, and the polls shall be kept open not less than six hours. The selectmen shall preside in said meeting, and in receiving said ballots shall use the check lists in the same manner they are used in the election of state officers. If, at any meeting called for the

List of voters prepared by the selectmen to be delivered to the clerk of each ward.

Subject to acceptance by a majority vote, at a meeting held within two years.

purpose, this act shall fail to be accepted by a majority of the legal voters of said town, present and voting thereon, the act shall not be again submitted for acceptance within four months of the date of such prior meeting. It is however provided, that a meeting may be called for the purpose of submitting the question of the acceptance of this act to the legal voters of said town any time after the passage hereof, provided, further, that no meeting for this purpose shall be held during the months of November and December.

SECTION 37. This act shall take effect upon its passage.

Approved June 2, 1884.

Chap. 310 AN ACT IN RELATION TO THE INSPECTION AND SALE OF MILK AND BUTTER.

Be it enacted, etc., as follows:

Imitation butter to be stamped or marked under penalty.

SECTION 1. Section seventeen of chapter fifty-six of the Public Statutes is hereby amended so as to read as follows: — Whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance or compound, made in imitation or semblance of butter, or as a substitute for butter, and not made exclusively and wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, shall have the words “imitation butter” or “oleomargarine” stamped, labelled or marked in printed letters of plain Roman type, not less than one inch in length, so that said words cannot be easily defaced, upon the top and side of every tub, firkin, box or package containing any of said article, substance or compound. And in cases of retail sales of any of said article, substance or compound, not in the original packages, the seller shall, by himself or his agents, attach to each package so sold, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words “imitation butter” or “oleomargarine” in printed letters of plain Roman type, not less than one-half inch in length.

Labels to be attached to small packages.

Inspectors may enter places where butter and cheese is stored or kept for sale.

SECTION 2. Section twenty of said chapter fifty-six is hereby amended by adding after the word “complaint” in the fifth line thereof the words “said inspectors may enter all places where butter or cheese is stored or kept for sale, and,” and also by adding after the word “prosecutions” in the last line the following words, “who-

ever hinders, obstructs, or in any way interferes with any inspector, or any agent of an inspector, in the performance of his duty, shall be punished by a fine of fifty dollars for the first offence, and of one hundred dollars for each subsequent offence."

SECTION 3. Section two of chapter fifty-seven of the Public Statutes is amended so as to read as follows:— Such inspectors shall keep an office, and shall record in books kept for the purpose the names and place of business of all persons engaged in the sale of milk within their city or town. Said inspectors may enter all places where milk is stored or kept for sale, and all persons engaged in the sale of milk shall on the request in writing of an inspector deliver to the person having the request, a sample or specimen sufficient for the purpose of analysis of the milk then in his possession from such can or receptacle as shall be designated by the inspector or the person bearing the request. Said inspector shall cause the sample or specimen of milk so delivered to be analyzed or otherwise satisfactorily tested, the results of which analysis or test they shall record and preserve as evidence. The inspectors shall receive such compensation as the mayor and aldermen or selectmen may determine.

To keep an office and record names and places of business of person selling milk.

To cause samples of milk to be analyzed.

SECTION 4. Before commencing the analysis of any sample the person making the same shall reserve a portion which shall be sealed; and in case of a complaint against any person the reserved portion of the sample alleged to be adulterated shall upon application be delivered to the defendant or his attorney.

Portion of sample for analysis to be reserved and sealed up.

SECTION 5. Section eight of chapter fifty-seven of the Public Statutes is hereby amended by adding after the word "chapter" in the third line thereof the words "and whoever hinders, obstructs, or in any way interferes with any inspector of milk, or any servant or agent of an inspector in the performance of his duty."

Penalty for obstructing inspector.

Approved June 2, 1884.

AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION DOLLARS. Chap. 311

Be it enacted, etc., as follows:

SECTION 1. Each city and town in this Commonwealth shall be assessed, and pay the several sums with which they stand respectively charged in the following schedule, that is to say:—

State tax of \$2,000,000.

Barnstable
County.

BARNSTABLE COUNTY.

Barnstable, . .	Thirty-seven hundred dollars, .	\$3,700 00
Brewster, . .	Thirteen hundred dollars, . .	1,300 00
Chatham, . .	Nine hundred dollars, . . .	900 00
Dennis, . .	Sixteen hundred and twenty dol- lars,	1,620 00
Eastham, . .	Two hundred and eighty dollars, .	280 00
Falmouth, . .	Four thousand and eighty dollars, .	4,080 00
Harwich, . .	Twelve hundred and twenty dol- lars,	1,220 00
Mashpee, . .	One hundred and twenty dollars, .	120 00
Orleans, . .	Six hundred and eighty dollars, .	680 00
Provincetown, .	Twenty-three hundred dollars, .	2,300 00
Sandwich, . .	Twenty-one hundred and twenty dollars,	2,120 00
Truro, . .	Three hundred and twenty dollars, .	320 00
Wellfleet, . .	Ten hundred and eighty dollars, .	1,080 00
Yarmouth, . .	Seventeen hundred and eighty dol- lars,	1,780 00
		<hr/> \$21,500 00

Berkshire
County.

BERKSHIRE COUNTY.

Adams, . .	Thirty-five hundred and sixty dol- lars,	\$3,560 00
Alford, . .	Three hundred dollars,	300 00
Becket, . .	Four hundred and sixty dollars, .	460 00
Cheshire, . .	Nine hundred dollars,	900 00
Clarksburg, . .	Two hundred and forty dollars, .	240 00
Dalton, . .	Eighteen hundred and twenty dol- lars,	1,820 00
Egremont, . .	Five hundred dollars,	500 00
Florida, . .	One hundred and eighty dollars, .	180 00

BERKSHIRE COUNTY — CONCLUDED.

Berkshire
County.

Great Barrington,	Thirty-two hundred and forty dol- lars,	\$3,240 00
Hancock, . . .	Four hundred and eighty dollars, .	480 00
Hinsdale, . . .	Nine hundred dollars,	900 00
Lanesborough, .	Six hundred and eighty dollars, .	680 00
Lee,	Twenty-three hundred dollars, .	2,300 00
Lenox,	Sixteen hundred and twenty dol- lars,	1,620 00
Monterey, . . .	Three hundred dollars,	300 00
Mt. Washington,	Eighty dollars,	80 00
New Ashford, .	One hundred dollars,	100 00
New Marlboro',	Eight hundred dollars,	800 00
North Adams, .	Fifty-six hundred and forty dollars,	5,640 00
Otis,	Two hundred and eighty dollars, .	280 00
Peru,	One hundred and sixty dollars, .	160 00
Pittsfield, . . .	Ninety-seven hundred and forty dollars,	9,740 00
Richmond, . . .	Five hundred and forty dollars, .	540 00
Sandisfield, . .	Four hundred and sixty dollars, .	460 00
Savoy,	Two hundred and forty dollars, .	240 00
Sheffield, . . .	Eleven hundred and sixty dollars, .	1,160 00
Stockbridge, . .	Three thousand and sixty dollars, .	3,060 00
Tyringham, . .	Two hundred and eighty dollars, .	280 00
Washington, . .	Two hundred and forty dollars, .	240 00
W. Stockbridge,	Nine hundred dollars,	900 00
Williamstown, .	Eighteen hundred and eighty dol- lars,	1,880 00
Windsor,	Two hundred and sixty dollars, .	260 00
		<hr/> \$43,300 00

Bristol County.

BRISTOL COUNTY.

Acushnet, . . .	Seven hundred and sixty dollars, . . .	\$760 00
Attleborough, . . .	Sixty-two hundred and twenty dollars, . . .	6,220 00
Berkley, . . .	Five hundred and twenty dollars, . . .	520 00
Dartmouth, . . .	Twenty-five hundred and forty dollars, . . .	2,540 00
Dighton, . . .	Nine hundred and twenty dollars, . . .	920 00
Easton, . . .	Forty-five hundred and twenty dollars, . . .	4,520 00
Fairhaven, . . .	Eighteen hundred and sixty dollars, . . .	1,860 00
Fall River, . . .	Forty-eight thousand and forty dollars, . . .	48,040 00
Freetown, . . .	One thousand dollars, . . .	1,000 00
Mansfield, . . .	Thirteen hundred and eighty dollars, . . .	1,380 00
New Bedford, . . .	Thirty-four thousand three hundred and sixty dollars, . . .	34,360 00
Norton, . . .	Nine hundred and eighty dollars, . . .	980 00
Raynham, . . .	Eleven hundred and sixty dollars, . . .	1,160 00
Rehoboth, . . .	Eight hundred and eighty dollars, . . .	880 00
Somerset, . . .	Thirteen hundred and eighty dollars, . . .	1,380 00
Seekonk, . . .	Eight hundred dollars, . . .	800 00
Swanzy, . . .	Nine hundred and twenty dollars, . . .	920 00
Taunton, . . .	Eighteen thousand nine hundred and eighty dollars, . . .	18,980 00
Westport, . . .	Sixteen hundred and twenty dollars, . . .	1,620 00
		<hr/> \$128,840 00

Dukes County.

DUKES COUNTY.

Chilmark, . . .	Three hundred dollars, . . .	\$300 00
Cottage City, . . .	Thirteen hundred dollars, . . .	1,300 00
Edgartown, . . .	Nine hundred and eighty dollars, . . .	980 00
Gay Head, . . .	Twenty dollars, . . .	20 00

DUKES COUNTY — CONCLUDED.

Dukes County.

Gosnold, . .	Two hundred and twenty dollars, .	\$220 00
Tisbury, . .	Eight hundred and twenty dollars, .	820 00
		<hr/> \$3,640 00

ESSEX COUNTY.

Essex County.

Amesbury, . .	Eighteen hundred and eighty dollars,	\$1,880 00
Andover, . .	Fifty-five hundred and twenty dollars,	5,520 00
Beverly, . .	Eleven thousand one hundred and forty dollars,	11,140 00
Boxford, . .	Seven hundred and forty dollars,	740 00
Bradford, . .	Fifteen hundred and sixty dollars,	1,560 00
Danvers, . .	Forty-two hundred and eighty dollars,	4,280 00
Essex, . . .	Eleven hundred dollars,	1,100 00
Georgetown, .	Twelve hundred dollars,	1,200 00
Gloucester, .	Eleven thousand one hundred and sixty dollars,	11,160 00
Groveland, . .	Ten hundred and forty dollars,	1,040 00
Hamilton, . .	Seven hundred and forty dollars,	740 00
Haverhill, . .	Thirteen thousand five hundred and sixty dollars,	13,560 00
Ipswich, . .	Twenty-three hundred and eighty dollars,	2,380 00
Lawrence, . .	Thirty thousand one hundred dollars,	30,100 00
Lynn, . . .	Twenty-eight thousand six hundred and eighty dollars,	28,680 00
Lynnfield, . .	Six hundred and forty dollars,	640 00
Manchester, .	Forty-one hundred and twenty dollars,	4,120 00
Marblehead, .	Forty-six hundred dollars,	4,600 00
Merrimac, . .	Thirteen hundred and eighty dollars,	1,380 00
Methuen, . .	Thirty-one hundred and sixty dollars,	3,160 00
Middleton, . .	Six hundred dollars,	600 00

Essex County.

ESSEX COUNTY — CONCLUDED.

Nahant, . .	Sixty-nine hundred dollars, . .	\$6,900 00
Newbury, . .	Eleven hundred and eighty dollars, . .	1,180 00
Newburyport, . .	Ninety-four hundred and forty dollars, . .	9,440 00
North Andover, . .	Twenty-nine hundred and forty dollars, . .	2,940 00
Peabody, . .	Eight thousand and forty dollars, . .	8,040 00
Rockport, . .	Twenty-three hundred and eighty dollars, . .	2,380 00
Rowley, . .	Six hundred and forty dollars, . .	640 00
Salem, . .	Thirty thousand six hundred and sixty dollars, . .	30,660 00
Salisbury, . .	Twenty-five hundred and eighty dollars, . .	2,580 00
Saugus, . .	Fifteen hundred and sixty dollars, . .	1,560 00
Swampscott, . .	Forty-two hundred and eighty dollars, . .	4,280 00
Topsfield, . .	Eight hundred and eighty dollars, . .	880 00
Wenham, . .	Six hundred and twenty dollars, . .	620 00
West Newbury, . .	Thirteen hundred and twenty dollars, . .	1,320 00
		<hr/> \$203,000 00

Franklin County.

FRANKLIN COUNTY.

Ashfield, . .	Five hundred and forty dollars, . .	\$540 00
Bernardston, . .	Five hundred and twenty dollars, . .	520 00
Buckland, . .	Six hundred and forty dollars, . .	640 00
Charlemont, . .	Four hundred dollars,	400 00
Colrain, . .	Seven hundred and sixty dollars, . .	760 00
Conway, . .	Eight hundred and sixty dollars, . .	860 00
Deerfield, . .	Fifteen hundred dollars,	1,500 00
Erving, . .	Three hundred and eighty dollars, . .	380 00
Gill,	Five hundred dollars,	500 00

FRANKLIN COUNTY — CONCLUDED.

Franklin
County.

Greenfield, . . .	Thirty-seven hundred and twenty dollars,	\$3,720 00
Hawley, . . .	Two hundred dollars,	200 00
Heath, . . .	Two hundred and twenty dollars,	220 00
Leverett, . . .	Three hundred and twenty dollars,	320 00
Leyden, . . .	Two hundred and forty dollars,	240 00
Monroe, . . .	Forty dollars,	40 00
Montague, . . .	Thirty-two hundred and forty dollars,	3,240 00
New Salem, . . .	Three hundred and eighty dollars,	380 00
Northfield, . . .	Eight hundred and twenty dollars,	820 00
Orange, . . .	Two thousand and sixty dollars,	2,060 00
Rowe, . . .	Two hundred dollars,	200 00
Shelburne, . . .	One thousand dollars,	1,000 00
Shutesbury, . . .	One hundred and eighty dollars,	180 00
Sunderland, . . .	Four hundred and eighty dollars,	480 00
Warwick, . . .	Three hundred and sixty dollars,	360 00
Wendell, . . .	Two hundred and twenty dollars,	220 00
Whately, . . .	Five hundred and twenty dollars,	520 00
		<hr/> \$20,300 00

HAMPDEN COUNTY.

Hampden
County.

Agawam, . . .	Fourteen hundred and eighty dollars,	\$1,480 00
Blandford, . . .	Four hundred and twenty dollars,	420 00
Brimfield, . . .	Six hundred dollars,	600 00
Chester, . . .	Six hundred dollars,	600 00
Chicopee, . . .	Sixty-two hundred and forty dollars,	6,240 00
Granville, . . .	Four hundred and forty dollars,	440 00

Hampden
County.

HAMPDEN COUNTY — CONCLUDED.

Hampden, . . .	Five hundred and twenty dollars, .	\$520 00
Holland, . . .	One hundred and forty dollars, .	140 00
Holyoke, . . .	Fifteen thousand six hundred and sixty dollars,	15,660 00
Longmeadow, .	Thirteen hundred and forty dollars,	1,340 00
Ludlow, . . .	Eight hundred and eighty dollars, .	880 00
Monson, . . .	Nineteen hundred dollars, . . .	1,900 00
Montgomery, .	One hundred and sixty dollars, .	160 00
Palmer, . . .	Twenty-eight hundred and forty dollars,	2,840 00
Russell, . . .	Five hundred dollars,	500 00
Southwick, . .	Seven hundred dollars,	700 00
Springfield, .	Forty-one thousand nine hundred dollars,	41,900 00
Tolland, . . .	Two hundred and twenty dollars, .	220 00
Wales,	Four hundred and forty dollars, .	440 00
Westfield, . .	Seventy-two hundred dollars, . . .	7,200 00
West Springfield,	Thirty-seven hundred and twenty dollars,	3,720 00
Wilbraham, . .	Eight hundred and forty dollars, .	840 00
		<hr/> \$88,740 00

Hampshire
County.

HAMPSHIRE COUNTY.

Amherst, . . .	Three thousand and twenty dollars,	\$3,020 00
Belchertown, .	Twelve hundred and twenty dol- lars,	1,220 00
Chesterfield, .	Three hundred and sixty dollars, .	360 00
Cummington, .	Four hundred and twenty dollars, .	420 00
Easthampton, .	Twenty-eight hundred dollars, . .	2,800 00
Enfield, . . .	Eight hundred and sixty dollars, .	860 00
Goshen,	One hundred and forty dollars, .	140 00

HAMPSHIRE COUNTY — CONCLUDED.

Hampshire
County.

Granby, . .	Five hundred and twenty dollars, .	\$520 00
Greenwich, .	Three hundred and twenty dollars,	320 00
Hadley, . .	Thirteen hundred and eighty dol- lars,	1,380 00
Hatfield, . .	Twelve hundred dollars,	1,200 00
Huntington, .	Five hundred and eighty dollars, .	580 00
Middlefield, .	Three hundred and eighty dollars, .	380 00
Northampton, .	Ninety-four hundred and forty dol- lars,	9,440 00
Pelham, . .	Two hundred dollars,	200 00
Plainfield, .	Two hundred dollars,	200 00
Prescott, . .	Two hundred and twenty dollars, .	220 00
South Hadley, .	Twenty-two hundred and twenty dollars,	2,220 00
Southampton, .	Six hundred dollars,	600 00
Ware, . . .	Twenty-six hundred and forty dol- lars,	2,640 00
Westhampton, .	Three hundred and twenty dollars,	320 00
Williamsburg, .	Eleven hundred and forty dollars, .	1,140 00
Worthington, .	Three hundred and eighty dollars,	380 00
		<hr/> \$30,560 00

MIDDLESEX COUNTY.

Middlesex
County.

Acton, . . .	Fourteen hundred and eighty dol- lars,	\$1,480 00
Arlington, .	Fifty-seven hundred and eighty dol- lars,	5,780 00
Ashby, . . .	Five hundred and eighty dollars, .	580 00
Ashland, . .	Fifteen hundred and eighty dollars,	1,580 00
Ayer, . . .	Twelve hundred and forty dollars, .	1,240 00
Bedford, . .	Eight hundred and eighty dollars, .	880 00
Belmont, . .	Thirty-five hundred and twenty dol- lars,	3,520 00

Middlesex
County.

MIDDLESEX COUNTY — CONTINUED.

Billerica, . .	Twenty-one hundred and sixty dollars,	\$2,160 00
Boxborough, . .	Three hundred dollars,	300 00
Burlington, . .	Five hundred and sixty dollars,	560 00
Cambridge, . .	Fifty-nine thousand seven hundred and eighty dollars,	59,780 00
Carlisle, . . .	Four hundred and forty dollars,	440 00
Chelmsford, . .	Nineteen hundred and forty dollars,	1,940 00
Concord, . . .	Thirty-eight hundred and sixty dollars,	3,860 00
Draeut,	Thirteen hundred and twenty dollars,	1,320 00
Dunstable, . .	Three hundred and sixty dollars,	360 00
Everett,	Fifty-three hundred dollars,	5,300 00
Framingham, . .	Sixty-five hundred and twenty dollars,	6,520 00
Groton,	Thirty-five hundred and sixty dollars,	3,560 00
Holliston, . . .	Two thousand dollars,	2,000 00
Hopkinton, . .	Twenty-seven hundred dollars,	2,700 00
Hudson,	Twenty-two hundred and sixty dollars,	2,260 00
Lexington, . . .	Twenty-nine hundred dollars,	2,900 00
Lincoln,	Fifteen hundred and twenty dollars,	1,520 00
Littleton, . . .	Eight hundred and eighty dollars,	880 00
Lowell,	Fifty-five thousand four hundred and twenty dollars,	55,420 00
Malden,	Twelve thousand nine hundred and twenty dollars,	12,920 00
Marlborough, . .	Forty-six hundred and sixty dollars,	4,660 00
Maynard,	Nineteen hundred dollars,	1,900 00
Medford,	Ninety-three hundred and sixty dollars,	9,360 00
Melrose,	Forty-four hundred and forty dollars,	4,440 00
Natick,	Fifty-three hundred and twenty dollars,	5,320 00
Newton,	Thirty-two thousand one hundred and eighty dollars,	32,180 00

MIDDLESEX COUNTY — CONCLUDED.

Middlesex
County.

North Reading,	Five hundred and eighty dollars, .	\$580 00
Pepperell, .	Eighteen hundred and twenty dol- lars,	1,820 00
Reading, .	Twenty-seven hundred and forty dollars,	2,740 00
Sherborn, .	Nine hundred and eighty dollars, .	980 00
Shirley, .	Eight hundred and sixty dollars, .	860 00
Somerville, .	Twenty-six thousand three hundred dollars,	26,300 00
Stoneham, .	Thirty-five hundred dollars, . .	3,500 00
Stow, .	Ten hundred and eighty dollars, .	1,080 00
Sudbury, .	Twelve hundred and twenty dollars,	1,220 00
Tewksbury, .	Thirteen hundred and twenty dol- lars,	1,320 00
Townsend, .	Thirteen hundred dollars, . .	1,300 00
Tyngsborough, .	Four hundred and forty dollars, .	440 00
Wakefield, .	Forty-two hundred and eighty dol- lars,	4,280 00
Waltham, .	Eleven thousand two hundred and eighty dollars,	11,280 00
Watertown, .	Eighty-nine hundred dollars, . .	8,900 00
Wayland, .	Fourteen hundred and forty dollars,	1,440 00
Westford, .	Thirteen hundred dollars, . .	1,300 00
Weston, .	Twenty-four hundred and eighty dollars,	2,480 00
Wilmington, .	Six hundred and sixty dollars, .	660 00
Winchester, .	Forty-four hundred dollars, . .	4,400 00
Woburn, .	Ninety-six hundred dollars, . .	9,600 00
		<hr/> \$326,100 00

NANTUCKET COUNTY.

Nantucket
County.

Nantucket, .	Three thousand and sixty dollars, .	\$3,060 00
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Norfolk County.

NORFOLK COUNTY.

Bellingham, . .	Six hundred and eighty dollars, . .	\$680 00
Braintree, . .	Thirty-seven hundred and twenty dollars, . .	3,720 00
Brookline, . .	Thirty-one thousand two hundred and sixty dollars, . .	31,260 00
Canton, . .	Thirty-seven hundred and eighty dollars, . .	3,780 00
Cohasset, . .	Thirty-six hundred and twenty dollars, . .	3,620 00
Dedham, . .	Sixty-five hundred and twenty dollars, . .	6,520 00
Dover, . .	Five hundred and forty dollars, . .	540 00
Foxborough, . .	Seventeen hundred and eighty dollars, . .	1,780 00
Franklin, . .	Twenty-one hundred and eighty dollars, . .	2,180 00
Holbrook, . .	Seventeen hundred dollars, . .	1,700 00
Hyde Park, . .	Fifty-four hundred and twenty dollars, . .	5,420 00
Medfield, . .	Thirteen hundred and sixty dollars, . .	1,360 00
Medway, . .	Nineteen hundred and eighty dollars, . .	1,980 00
Milton, . .	Thirteen thousand one hundred and eighty dollars, . .	13,180 00
Needham, . .	Two thousand and twenty dollars, . .	2,020 00
Norfolk, . .	Four hundred and sixty dollars, . .	460 00
Norwood, . .	Twenty-two hundred and twenty dollars, . .	2,220 00
Quincy, . .	Nine thousand dollars, . .	9,000 00
Randolph, . .	Twenty-nine hundred dollars, . .	2,900 00
Sharon, . .	Thirteen hundred dollars, . .	1,300 00
Stoughton, . .	Twenty-six hundred dollars, . .	2,600 00
Walpole, . .	Sixteen hundred and forty dollars, . .	1,640 00
Wellesley, . .	Thirty-eight hundred and eighty dollars, . .	3,880 00
Weymouth, . .	Seventy-three hundred and twenty dollars, . .	7,320 00
Wrentham, . .	Fifteen hundred and forty dollars, . .	1,540 00
		<hr/>
		\$112,600 00

PLYMOUTH COUNTY.

Plymouth
County.

Abington, . .	Twenty-two hundred and twenty dollars,	\$2,220 00
Bridgewater, .	Twenty-seven hundred and sixty dollars,	2,760 00
Brockton, . .	Ten thousand four hundred dollars,	10,400 00
Carver, . . .	Six hundred and eighty dollars, .	680 00
Duxbury, . .	Fourteen hundred and eighty dollars,	1,480 00
E. Bridgewater,	Eighteen hundred and sixty dollars,	1,860 00
Halifax, . . .	Three hundred dollars,	300 00
Hanover, . . .	Fourteen hundred and twenty dollars,	1,420 00
Hanson, . . .	Six hundred and eighty dollars, .	680 00
Hingham, . . .	Forty-two hundred and forty dollars,	4,240 00
Hull,	Sixteen hundred and sixty dollars,	1,660 00
Kingston, . . .	Twenty-two hundred and twenty dollars,	2,220 00
Lakeville, . .	Five hundred and eighty dollars, .	580 00
Marion, . . .	Nine hundred and sixty dollars, .	960 00
Marshfield, . .	Thirteen hundred dollars, . . .	1,300 00
Mattapoisett, .	Fifteen hundred and eighty dollars,	1,580 00
Middleborough,	Thirty-four hundred and eighty dollars,	3,480 00
Pembroke, . . .	Eight hundred dollars,	800 00
Plymouth, . . .	Fifty-six hundred and twenty dollars,	5,620 00
Plympton, . . .	Three hundred and sixty dollars, .	360 00
Rochester, . . .	Five hundred and sixty dollars, .	560 00
Rockland, . . .	Twenty-six hundred and eighty dollars,	2,680 00
Scituate, . . .	Fifteen hundred and sixty dollars, .	1,560 00
South Abington,	Twenty-six hundred dollars, . . .	2,600 00
South Scituate, .	Thirteen hundred and forty dollars,	1,340 00
Wareham, . . .	Fourteen hundred and forty dollars,	1,440 00
W. Bridgewater,	Eleven hundred and twenty dollars,	1,120 00
		<hr/> \$55,900 00

Suffolk County.

SUFFOLK COUNTY.

Boston, . .	Seven hundred and seventy thousand seven hundred and forty dollars,	\$770,740 00
Chelsea, . .	Nineteen thousand two hundred and sixty dollars,	19,260 00
Revere, . .	Twenty-eight hundred and eighty dollars,	2,880 00
Winthrop, . .	Eighteen hundred and forty dollars,	1,840 00
		<hr/> \$794,720 00

Worcester County.

WORCESTER COUNTY.

Ashburnham, . .	Eleven hundred and forty dollars,	\$1,140 00
Athol,	Twenty-eight hundred dollars,	2,800 00
Auburn,	Five hundred and eighty dollars,	580 00
Barre,	Seventeen hundred and sixty dollars,	1,760 00
Berlin,	Five hundred and eighty dollars,	580 00
Blackstone, . .	Twenty-four hundred and sixty dollars,	2,460 00
Bolton,	Six hundred dollars,	600 00
Boylston,	Five hundred and eighty dollars,	580 00
Brookfield, . .	Fifteen hundred and forty dollars,	1,540 00
Charlton,	Twelve hundred and forty dollars,	1,240 00
Clinton,	Fifty-nine hundred dollars,	5,900 00
Dana,	Three hundred and twenty dollars,	320 00
Douglas,	Twelve hundred and forty dollars,	1,240 00
Dudley,	Eleven hundred and twenty dollars,	1,120 00
Fitchburg, . . .	Twelve thousand seven hundred and twenty dollars,	12,720 00
Gardner,	Thirty-two hundred and twenty dollars,	3,220 00
Grafton,	Twenty-four hundred and eighty dollars,	2,480 00

WORCESTER COUNTY — CONTINUED.

Worcester
County.

Hardwick, . .	Thirteen hundred and eighty dol- lars,	\$1,380 00
Harvard, . .	Eleven hundred dollars,	1,100 00
Holden, . .	Twelve hundred dollars,	1,200 00
Hubbardston, .	Nine hundred dollars,	900 00
Lancaster, . .	Three thousand dollars,	3,000 00
Leicester, . .	Twenty-one hundred dollars,	2,100 00
Leominster, . .	Forty-five hundred and sixty dol- lars,	4,560 00
Lunenburg, . .	Eight hundred and forty dollars,	840 00
Mendon, . .	Seven hundred and twenty dollars,	720 00
Milford, . .	Sixty-three hundred and twenty dollars,	6,320 00
Millbury, . .	Twenty-five hundred and twenty dollars,	2,520 00
New Braintree, .	Five hundred and forty dollars,	540 00
Northborough, .	Thirteen hundred and twenty dol- lars,	1,320 00
Northbridge, . .	Thirty-one hundred and twenty dol- lars,	3,120 00
North Brookfield,	Twenty-three hundred dollars,	2,300 00
Oakham, . .	Four hundred and twenty dollars,	420 00
Oxford, . .	Sixteen hundred and sixty dollars,	1,660 00
Paxton, . .	Three hundred and twenty dollars,	320 00
Petersham, . .	Seven hundred and twenty dollars,	720 00
Phillipston, . .	Three hundred and forty dollars,	340 00
Princeton, . .	Ten hundred and twenty dollars,	1,020 00
Royalston, . .	Nine hundred and forty dollars,	940 00
Rutland, . .	Five hundred and sixty dollars,	560 00
Shrewsbury, . .	Twelve hundred dollars,	1,200 00
Southborough, .	Fifteen hundred and eighty dollars,	1,580 00
Southbridge, . .	Thirty-seven hundred and sixty dol- lars,	3,760 00

Worcester
County.

WORCESTER COUNTY — CONCLUDED.

Speneer, . .	Forty-one hundred and twenty dollars,	\$4,120 00
Sterling, . .	Ten hundred and eighty dollars,	1,080 00
Sturbridge, . .	Twelve hundred and forty dollars,	1,240 00
Sutton, . . .	Sixteen hundred dollars,	1,600 00
Templeton, . .	Fourteen hundred and sixty dollars,	1,460 00
Upton,	One thousand dollars,	1,000 00
Uxbridge, . . .	Twenty-four hundred and twenty dollars,	2,420 00
Warren,	Twenty-five hundred and eighty dollars,	2,580 00
Webster, . . .	Twenty-eight hundred and sixty dollars,	2,860 00
Westborough, . .	Thirty-one hundred and twenty dollars,	3,120 00
West Boylston, .	Thirteen hundred and eighty dollars,	1,380 00
West Brookfield,	Ten hundred and twenty dollars,	1,020 00
Westminster, . .	Nine hundred and sixty dollars,	960 00
Winchendon, . .	Twenty-two hundred and sixty dollars,	2,260 00
Worcester, . . .	Fifty-five thousand nine hundred and twenty dollars,	55,920 00
		<hr/> \$167,740 00

Recapitulation
by counties.

RECAPITULATION.

Barnstable Co., .	Twenty-one thousand five hundred dollars,	\$21,500 00
Berkshire Co., .	Forty-three thousand three hundred dollars,	43,300 00
Bristol Co., . .	One hundred and twenty-eight thousand eight hundred and forty dollars,	128,840 00
Dukes Co., . . .	Three thousand six hundred and forty dollars,	3,640 00
Essex Co., . . .	Two hundred and three thousand dollars,	203,000 00
Franklin Co., . .	Twenty thousand three hundred dollars,	20,300 00
Hampden Co., . .	Eighty-eight thousand seven hundred and forty dollars,	88,740 00

RECAPITULATION — CONCLUDED.

Recapitulation
by counties.

Hampshire Co., .	Thirty thousand five hundred and sixty dollars, .	\$30,560 00
Middlesex Co., .	Three hundred and twenty-six thousand one hundred dollars, .	326,100 00
Nantucket Co., .	Three thousand and sixty dollars, .	3,060 00
Norfolk Co., .	One hundred and twelve thousand six hundred dollars, .	112,600 00
Plymouth Co., .	Fifty-five thousand nine hundred dollars, .	55,900 00
Suffolk Co., .	Seven hundred and ninety-four thousand seven hundred and twenty dollars, .	794,720 00
Worcester Co., .	One hundred and sixty-seven thousand seven hundred and forty dollars, .	167,740 00
		<hr/> \$2,000,000 00

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of chapter eleven of the Public Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city and town.

Treasurer of the Commonwealth to issue warrants.

SECTION 3. The treasurer of the Commonwealth in his warrant shall require the said selectmen or assessors to pay, or to issue severally their warrant or warrants, requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the tenth day of December in the year eighteen hundred and eighty-four, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the treasurer of the Commonwealth at some time before the first day of October in the year eighteen hundred and eighty-four.

To require selectmen or assessors to issue warrants to city or town treasurers.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said

To notify treasurers of delinquent cities and towns.

Warrant of
distress may
issue.

treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, from and after the tenth day of December in the year eighteen hundred and eighty-four; and if the same remains unpaid after the first day of January in the year eighteen hundred and eighty-five, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

SECTION 5. This act shall take effect upon its passage.

Approved June 2, 1884.

Chap.312 AN ACT AUTHORIZING THE TRANSFER OF A CERTAIN MAP FROM THE STATE LIBRARY TO THE UNITED STATES COAST AND GEODETIC SURVEY.

Be it enacted, etc., as follows:

Transfer of a
map from the
state library to
the United
States coast
survey.

The librarian of the state library is hereby authorized to transfer to the superintendent of the United States coast and geodetic survey a certain map, now in the state library, known and designated as a "map of the route of the proposed Cape Cod ship canal," prepared by W. H. Dennis of the United States coast survey in the year eighteen hundred and sixty,—whenever a certified copy of the same shall be deposited in said library by the said superintendent above named.

Approved June 2, 1884.

Chap.313 AN ACT CONCERNING CONDITIONAL SALES OF FURNITURE OR OTHER HOUSEHOLD EFFECTS.

Be it enacted, etc., as follows:

Conditional
sales of furni-
ture.

SECTION 1. All contracts for the sale of furniture or other household effects made on condition that the title to the property sold shall not pass until the price is paid in full, whether such contract be in the form of a lease or otherwise, shall be in writing, and a copy thereof shall be furnished the vendee by the vendor at the time of such sale;

and all payments made by or in behalf of the vendee, and all charges whether in the nature of interest or otherwise as they accrue, shall be endorsed by the vendor or his agent upon such copy if the vendee so requests. If the vendor fails to comply with any of the provisions of this section through negligence, his rights under such contract shall be suspended while such default continues; and if he refuses, or wilfully or fraudulently fails to comply with any of such provisions he shall be deemed to have waived the condition of such sale.

SECTION 2. The vendor upon taking possession of such furniture or effects for non-compliance with the terms of such contract of sale, shall furnish the vendee or other person in charge of such furniture or effects an itemized statement of the account showing the amount then due thereon; and the fifteen days provided by section thirteen of chapter one hundred and ninety-two of the Public Statutes during which the vendee shall have the right to redeem the furniture or household effects so taken shall not begin to run until such statement is furnished, provided the vendee or other person in charge can be found by the vendor by the exercise of reasonable care and diligence.

Vendor to furnish vendee with an itemized account, upon taking possession of furniture.

Approved June 2, 1884.

AN ACT TO PROVIDE FOR THE FURTHER IMPROVEMENT OF THE COMMONWEALTH'S FLATS AT SOUTH BOSTON. *Chap. 314*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of enforcing and executing the provisions and requirements of existing laws relating to the Commonwealth's flats at South Boston and for the payment of money which may be needed to carry out the provisions of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-five, the sum of five hundred thousand dollars is hereby appropriated from the Commonwealth's flats improvement fund, established by chapter two hundred and thirty-seven of the acts of the year eighteen hundred and seventy-eight.

Improvement of flats at South Boston.

SECTION 2. In order to increase the amount of moneys in the said improvement fund available for the purposes aforesaid, and in anticipation of receipts from the sales or use of the Commonwealth's said lands at South Boston, the treasurer of the Commonwealth shall from time to time pay from the treasury into the Commonwealth's flats improvement fund, such sums as may be required under this

Money to be paid into improvement fund to meet requirements of this act.

act; but the amount so paid before the first day of July in the year eighteen hundred and eighty-five shall not exceed two hundred thousand dollars.

Transfer to
sinking or trust
fund.

SECTION 3. The treasurer may also, with the approval of the governor and council, transfer the agreement of the New York and New England Railroad Company for the payment of one hundred thousand dollars on or before the first day of May in the year eighteen hundred and ninety-two, with interest at the rate of five per centum per annum, payable semi-annually, which agreement now constitutes a part of the said improvement fund, to any sinking or trust fund of the Commonwealth, at the face value thereof and interest, if any, accrued at the date of such transfer.

SECTION 4. This act shall take effect upon its passage.

Approved June 2, 1884.

Chap.315 AN ACT PROVIDING ADDITIONAL APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE REFORM SCHOOL FOR BOYS.

Be it enacted etc., as follows:

Appropriations. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, for the purposes specified herein, to wit:—For the payment of salaries at the state reform school at Westborough, for the term of six months ending on the thirty-first day of December in the year eighteen hundred and eighty-four, a sum not exceeding seven thousand dollars, to be in addition to the eight thousand dollars appropriated by chapter fifty-one of the acts of the present year.

State reform
school, salaries.

Expenses. For the payment of other expenses at the state reform school at Westborough, a sum not exceeding ten thousand dollars for the six months ending on the thirty-first day of December in the year eighteen hundred and eighty-four, being in addition to the ten thousand dollars appropriated by chapter fifty-one of the acts of the present year; and if the said school shall be established in any other locality this appropriation is hereby made applicable for the payment of expenses of the school so established.

Approved June 2, 1884.

Chap.316 AN ACT RELATING TO SERVICE OF PROCESS IN PROCEEDINGS IN EQUITY.

Be it enacted, etc., as follows:

Suits in equity
to be entered
upon same
docket as other
cases.

Section five of chapter two hundred twenty-three of the acts of the year eighteen hundred eighty-three, is amended so as to read as follows:—Such suits shall be entered

upon the same docket as other cases in the superior court. Return of process.
 All process shall be made returnable at the term next after fourteen days from the service of the process, if required to be served fourteen days before the return day, or at the term next after thirty days from such service, if required to be served thirty days before the return day, or at any rule day within three months after the service of the process.

Approved June 2, 1884.

AN ACT RELATIVE TO FISHING IN THE MERRIMACK RIVER.

Chap 317

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and sixty-six of the acts of the year eighteen hundred and eighty-two is hereby amended by inserting after the word "seine" and before the word "after" in the fourth line thereof, the following words "with a mesh not less than two and a quarter inches."

Fisheries in Merrimack River. P. S. 91, 1882, 106, § 1.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1884.

AN ACT TO PREVENT THE USE OF NETS IN PONDS.

Chap. 318

Be it enacted, etc., as follows:

SECTION 1. Whoever draws, sets, stretches or uses a drag net, set net, purse net or seine in any pond in the Commonwealth, or aids in so doing, shall be punished by a fine of not less than twenty, nor more than fifty dollars, one half of which shall be paid to the person making the complaint, and the other half to the county within which the offence was committed, and in addition shall forfeit to the Commonwealth all fish taken by the above means and the seines, boat and other apparatus used.

Use of nets in ponds prohibited under penalty.

SECTION 2. Trial justices, police and district courts shall have jurisdiction to enforce the penalties provided in section one of this act.

Jurisdiction of courts.

SECTION 3. This act shall not be construed to interfere with the rights of lessees of great ponds in the counties of Barnstable, Dukes County and Nantucket, into which the usual varieties of salt water fish are or may be admitted by natural or artificial inlets and which under existing leases have been seined or which may be leased with permission to seine the same, nor the riparian proprietors of ponds mentioned in section ten of chapter ninety-one of the Public Statutes, nor with the corporate rights of any fishing company.

Not to interfere with lessees of certain great ponds.

Approved June 3, 1884.

Chap.319 AN ACT PROVIDING FOR THE COMPENSATION OF MEMBERS OF THE
LEGISLATURE.

Be it enacted, etc., as follows :

Compensation
of members of
the legislature.

SECTION 1. Each member of the senate and house of representatives shall receive six hundred and fifty dollars for the regular annual session for which he is elected, and one dollar for every five miles' travel from his place of abode, once in each session, to the place of the sitting of the general court ; and the president of the senate and the speaker of the house shall receive double the compensation provided for members, except for travel.

Repeal.

SECTION 2. Section fifteen of chapter two of the Public Statutes is repealed.

SECTION 3. This act shall take effect upon its passage.
[*This bill, returned by the Governor to the House of Representatives in which it originated, with his objections thereto, was passed in concurrence by the House of Representatives and the Senate, the objections of the Governor notwithstanding, on the third day of June, 1884, in the manner prescribed by the Constitution, and thereby had the "force of a law."*]

Chap.320 AN ACT TO IMPROVE THE CIVIL SERVICE OF THE COMMONWEALTH
AND THE CITIES THEREOF.

Be it enacted, etc., as follows :

Civil service
commissioners
to be appointed.

SECTION 1. The governor shall with the advice and consent of the council appoint three persons to be civil service commissioners, who shall serve, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the first day of July in the year eighteen hundred and eighty-four, and until their respective successors are appointed and qualified ; and in the year eighteen hundred and eighty-five and in every year thereafter, the governor shall, in May or June, in like manner appoint one person to serve as such commissioner for three years from the first Monday in the July then next ensuing, and until his successor is appointed and qualified. Any vacancy in the office of commissioner shall be filled for the unexpired term by appointment as above provided. All appointments, both original and to fill vacancies, shall be so made that not more than two commissioners shall, at the time of any appointment, be members of the same political party. The governor may also, with the advice and consent of the council, remove any commissioner. Each commissioner shall be paid five

Not more than
two commis-
sioners to be of
same political
party.

dollars for each day's service, and his travelling and other necessary expenses in the discharge of his official duty.

SECTION 2. The said commissioners shall prepare rules not inconsistent with existing laws or with the provisions of this act, and adapted to carry out the purposes thereof, for the selection of persons to fill offices in the government of the Commonwealth and of the several cities thereof, which are required to be filled by appointment, and for the selection of persons to be employed as laborers or otherwise in the service of the Commonwealth and of the several cities thereof. All rules so prepared shall be subject to the approval of the governor and council, and they may, with like approval, be from time to time altered or rescinded. The said commissioners shall supervise the administration of the rules so established; they shall from time to time suggest to the general court such legislation as may seem to them to be desirable for the efficient carrying out of the principles of this act, and for the improvement of the civil service; and they shall, on or before the tenth day of January in every year, report to the general court their doings during the preceding year, including any rules adopted under the provisions of this section.

Commissioners
to prepare rules.

Rules subject to
approval of the
governor and
council.

Annual report
to the general
court.

SECTION 3. No person habitually using intoxicating beverages to excess, shall be appointed to, or retained in any office, appointment or employment to which the provisions of this act are applicable; nor shall any vendor of intoxicating liquor be so appointed or retained.

Vendor of liquor
or person using
same to excess
not to be ap-
pointed or re-
tained.

SECTION 4. No person shall be appointed to or employed in any office to which the provisions of this act are applicable within one year after his conviction of any offence against the laws of this Commonwealth; and if any person holding such an appointment or in any such employment shall be convicted of the violation of any such law, he shall be immediately discharged from such appointment or employment.

Person con-
victed of offence
against laws of
the state.

SECTION 5. No recommendation of any person who shall apply for office or place under the provisions of this act, which may be given by any senator, member of the house of representatives, alderman or councilman, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any appointment under this act.

Recommendations.

SECTION 6. No councillor, senator, representative, alderman or councilman, or any officer or employee of

Officials not to
solicit contribu-
tions for polit-
ical purposes.

either of said bodies, and no executive or judicial officer of the state, and no clerk or employee of any department or branch of the government of the state, and no executive officer, clerk or employee of any department of any city government shall personally directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution for any political purpose whatever; but this shall not be construed to forbid such persons to be members of political organizations or committees.

Solicitations not to be made in buildings used for official duties.

SECTION 7. No person shall, in any room or building occupied for the discharge of official duties by any officer or employee of the state or any city thereof, solicit in any manner whatever, or receive, any contribution of money or any other thing of value for any political purpose whatever.

Officer not to be affected by refusal to contribute.

SECTION 8. No officer or employee of the state, or any city thereof, shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten to do so, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose.

No officer to give money to another officer for any political object.

SECTION 9. No officer, clerk or other person in the service of the state or any city thereof shall, directly or indirectly, give or hand over to any other officer, clerk or person in said service, or to any councillor, senator, member of the house of representatives, alderman, councilman, or commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever.

Political action not to be coerced.

SECTION 10. No person in the service of the state or any city thereof, shall use his official authority or influence either to coerce the political action of any person or body or to interfere with any election.

Public officers not obliged to contribute to political fund.

SECTION 11. No person in the public service shall for that reason be under any obligation to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so.

Corrupt methods of procuring nominations, etc.

SECTION 12. No person while holding any public office or in nomination for, or while seeking a nomination or appointment for any office, shall corruptly use, or promise to use, either directly or indirectly, any official

authority or influence (whether then possessed or merely anticipated), in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public employment, or any nomination, confirmation, promotion or increase of salary, upon the consideration or condition that the vote or political influence or action of the last named person, or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration.

SECTION 13. No city in the Commonwealth shall pay any bill incurred by any official or officials thereof for wines, liquors or cigars; nor shall any city pay any bill for refreshments furnished to any official of said city where the amount for any one day shall exceed one dollar for each member of the government of said city who certifies over his own signature to the correctness of the bill.

Wines, etc., furnished city officials not to be paid for by city.

SECTION 14. The rules mentioned in section two may be made from time to time, and may be given a general or a limited application, and they shall, among other things, provide:—

General rules.

First, For the classification of the offices and employments to be filled.

Second, For open competitive and other examinations by which to test applicants for office, or for employment, as to their practical fitness to discharge the duties of the positions which they desire to fill.

Third, For the filling of vacancies in offices in accordance with the results of such examinations and for the selection of persons for public employment in accordance with such results, or by order of application, or otherwise, as may seem most desirable to carry out the provisions of this act.

Fourth, For promotions in office on the basis of ascertained merit and seniority in service and examination as may seem desirable. (In all cases where it is practicable vacancies shall be filled by promotion.)

Fifth, For a period of probation before an appointment or employment is made permanent.

Sixth, For giving preference in appointments to office and promotions in office (other qualifications being equal) to applicants who served in the army or navy of the United States in time of war and have been honorable discharged therefrom.

SECTION 15. Elective or judicial officers and officers

Officers not affected.

whose appointment is subject to confirmation by the executive council, a city council or a school committee, heads of any principal department in a city, officers for the faithful discharge of whose duties a superior officer is required to give bond, teachers of the public schools, the private secretary of the governor or of the mayor of any city shall not be affected, as to their election or selection, by any rules made as aforesaid; but such rules shall apply to members of the police and fire departments other than police and fire commissioners, chief superintendents and marshals of police departments, and chief engineers of fire departments.

No examination concerning political or religious opinions.

SECTION 16. No question in any examination under the rules established as aforesaid shall relate to political or religious opinions or affiliations, and no appointment or selection to an office or for employment within the scope of the rules established as aforesaid, shall be in any manner affected or influenced by such opinions or affiliations. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined, to discharge the duties of the service into which they seek to be appointed. The examination of applicants for employment as laborers shall relate to their capacity for labor, their habits as to industry and sobriety, and the necessities of themselves and their families.

Examinations to be of a practical character.

Statements to be made by applicants for examination.

SECTION 17. Every application, in order to entitle the applicant to appear for examination or to be examined, must state the facts on the following subjects: 1. Full name, residence, and post office address. 2. Citizenship. 3. Age. 4. Place of birth. 5. Health and physical capacity for the public service. 6. Right of preference by reason of military or naval service. 7. Previous employment in the public service. 8. Business or employment and residence for the previous five years. 9. Education. Such other information shall be furnished as may reasonably be required touching the applicant's fitness for the public service.

Person in public service not to obstruct any one in respect of right of examination.

SECTION 18. No person in the public service shall wilfully and corruptly, by himself or in coöperation with one or more other persons, defeat, deceive or obstruct any person in respect of his or her right of examination; or wilfully, corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any

person examined hereunder, or aid in so doing; or wilfully or corruptly make any false representations concerning the same or concerning the person examined; or wilfully or corruptly furnish to any person any special or secret information, for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed or promoted.

Nor furnish
secret informa-
tion.

SECTION 19. All rules established as herein before provided, and all changes therein, shall forthwith be printed for distribution by said commissioners, and a certified copy thereof shall be sent to the mayor of each city, and the same shall be published in one or more newspapers in each city, and in any such publication of rules shall be specified the date, not less than sixty days subsequent to the date of such publication, when such rules shall go into operation, and thereafter all appointments to office and selections for employment shall be made according to said rules in cases to which said rules apply.

Rules to be
printed and dis-
tributed.

SECTION 20. The said commissioners may appoint a chief examiner who shall, under their direction, superintend any examination under this act, and shall perform such other duties as they may prescribe. Such chief examiner shall receive a salary of twenty-five hundred dollars a year, and shall be paid his necessary travelling expenses incurred in the discharge of his official duty. They may also employ a secretary at a salary not exceeding twelve hundred dollars a year. They may designate persons in the official service of the Commonwealth or of any city, who shall, with the consent of the head of department or office in which any such person serves, act in any examination held under this act. But no person shall serve as examiner of candidates for office under the provisions of this act, when any relative or connection by marriage, within the degree of first cousin, shall be an applicant. The said commissioners may also incur such expense, not exceeding fifteen hundred dollars a year, as may be proper for printing and stationery and other incidental matters.

Chief examiner
to be appointed.

Secretary.

Expenses of
commissioners.

SECTION 21. The said commissioners shall be provided, under the direction of the governor and council, with an office, properly furnished, in the state house or Commonwealth building, suitable for the performance of the duties imposed by this act.

Office to be
provided.

Name and residence of every person appointed, etc., to be reported to commissioners.

SECTION 22. The name and residence of every person appointed, employed or promoted to or in any position coming within the rules established as herein provided, except laborers, together with the name or description of such position and the subsequent rejection or discharge of every such person, shall forthwith be reported to the said commissioners by the officer making such appointment, promotion, rejection or discharge, or providing such employment.

Commissioners to keep records of all their proceedings.

SECTION 23. The said commissioners shall keep records of all their proceedings and of all examinations made by them or under their authority, and all recommendations of applicants for office received by said commissioners or either of them, or by any officer having authority to make appointments to office or to employ laborers, or others coming within the scope of the rules established as aforesaid, shall be kept and preserved, and all such records and recommendations shall, subject to such reasonable regulations as may be approved by the governor and council, be open to public inspection.

Penalty.

SECTION 24. Whoever, after a rule has been duly established and published according to the provisions of this act, makes an appointment to office or selects a person for employment contrary to the provisions of such rule, or wilfully refuses or neglects otherwise to comply with or to conform to the provisions of this act, or violates any of such provisions, shall be liable to a penalty of not less than one hundred nor more than one thousand dollars for each offence.

Approved June 3, 1884.

Chap. 321

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A MEDICAL EXAMINER FOR THE NORTHERN DISTRICT OF THE COUNTY OF FRANKLIN.

Be it enacted, etc., as follows:

Medical examiner for Northern District of county of Franklin.

SECTION 1. There shall be appointed a medical examiner for a district to be known as the Northern District of the county of Franklin, which shall be composed of the towns of Orange, Warwick, New Salem and Wendell in the county of Franklin.

Repeal.

SECTION 2. So much of section two of chapter twenty-six of the Public Statutes as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved June 3, 1884.

AN ACT TO ESTABLISH A HOMŒOPATHIC HOSPITAL FOR THE
INSANE.

Chap. 322

Be it enacted, etc., as follows:

SECTION 1. There shall be established at Westborough, in the buildings now occupied by the state reform school, a state hospital for the care and treatment of the insane, upon the principles of medicine known as the homœopathic, and it shall be known by the name of the Westborough Insane Hospital.

Homœopathic hospital for the insane at Westborough.

SECTION 2. There shall be devoted to the control and use of said hospital all the lands and buildings thereon now belonging to the state reform school and situated on the westerly side of the town road, and westerly of a direct line drawn from the junction of the driveway leading from the public road to the main buildings, so called, to a point fifty feet south-easterly of a large pine tree standing near the shore of the lake between the farm barn and the building known as the ice-house: *provided*, that said division line may be varied in its course or differently located if the trustees of the state reform school and the authorities of the lunatic hospital mutually so determine.

Portion of land and buildings of state reform school to be used for hospital.

SECTION 3. The government of the Westborough Insane Hospital shall be vested in a board of seven trustees appointed and commissioned by the governor, with the advice and consent of the council, subject to removal only for sufficient cause, five of whom shall be men and two of whom shall be women, and the term of office for all the trustees shall be five years, but of those first appointed, one member shall hold office for five years, two for four years, one for three years, two for two years and one for one year, from the first Wednesday of February in the year one thousand eight hundred and eighty-four, and on the first Wednesday in each succeeding year one or more members shall be appointed for five years to fill the vacancy or vacancies then occurring.

Government to be vested in a board of seven trustees, two of whom shall be women.

SECTION 4. The trustees of the Westborough Insane Hospital shall be a corporation for the purpose of taking and holding to them and their successors, in trust for the Commonwealth, any grant or devise of lands, and any donation or bequest of money or other personal property made for the use of the institution of which they are trustees, and for the purpose of preserving and investing the proceeds thereof, in notes or bonds secured by good

Trustees to be a corporation for holding lands granted, or money donated, etc.

and sufficient mortgages or other securities, with all the powers necessary to carry said purposes into effect. And they shall have authority to expend any donation or bequest, or any part of the same, in the erection of new buildings on the land belonging to the hospital: *provided*, that all such buildings shall belong to the hospital and be managed as a part thereof.

Powers and duties.

SECTION 5. The trustees of the Westborough Insane Hospital shall have and exercise the same powers and duties as are prescribed in the eighty-seventh chapter of the Public Statutes and all existing acts in addition thereto and modification thereof, and all the provisions of said chapter and the acts in addition thereto and modification thereof, so far as the same can be made applicable, are hereby extended and made applicable to the management of said state insane hospital at Westborough.

To appoint a homœopathic physician and assistant physicians.

SECTION 6. The board of trustees shall appoint a homœopathic physician and assistant physicians and such other officers and agents of the said corporation as they shall deem necessary, who shall respectively hold and perform the duties pertaining to their offices and agencies during the pleasure of said board, and the said board shall from time to time fix the salary of such superintending physician, assistant physicians, officers and agents, subject to the provisions of chapter eighty-seven of the Public Statutes.

Insane persons to be committed to such hospitals as patient's family, etc., desire.

SECTION 7. In making commitments of insane persons according to the provisions of chapter eighty-seven of the Public Statutes, the judges named in section eleven of said chapter shall inquire of the applicants for the commitment of any insane person, whether it is their desire that such person should be treated upon the principles of medicine known as the homœopathic, and when such applicants answer in the affirmative, such insane persons shall be committed to the Westborough Insane Hospital in preference to any other place, provided the said hospital is able to receive them, and such insane persons, not exceeding one hundred in number, as may now or hereafter be inmates of the state lunatic hospitals, and may desire the special treatment above mentioned, or for whom such treatment may be desired by the patient's family or by any person upon whose application such insane person was committed to any state lunatic hospital, may be transferred by the state board of health, lunacy

and charity to the Westborough Insane Hospital, when the same shall be in readiness to receive them, and any other inmates of the state lunatic hospitals may be transferred to the Westborough Insane Hospital, whenever the same is in a proper condition to receive them.

SECTION 8. The board of trustees established by this act shall, within thirty days after its passage, be appointed and qualified, and at or before the expiration of thirty days after said appointment, shall submit to the governor and council plans for such alteration in the buildings assigned to the Westborough Insane Hospital and such additions thereto, as shall be deemed necessary to fit them for the residence of three hundred and twenty-five patients, and of the physicians and other officers and attendants who shall care for such patients, and upon the approval of said plans by the governor and council, the said trustees shall proceed at once to make contracts with the lowest responsible bidders for the alteration and repair of the buildings aforesaid and for necessary additions thereto, to an amount not exceeding one hundred and fifty thousand dollars.

Plans for alterations of buildings, etc., to be submitted to governor and council.

SECTION 9. Upon the completion of the buildings in the manner provided for in section eight, the trustees of the Westborough Insane Hospital shall give notice to the governor of the Commonwealth, who shall make proclamation that upon a given day the said asylum will be opened for the reception of patients; and thereafter the judges authorized to commit insane persons shall be at liberty to commit, and the state board of health, lunacy and charity shall proceed to transfer, insane persons of the class mentioned in section seven of this act, and patients so committed and transferred shall be supported in the same manner as is now provided in sections thirty-one, thirty-two, thirty-three and thirty-four of chapter eighty-seven of the Public Statutes.

Upon completion of buildings, governor shall make proclamation, that upon a given day hospital will be opened.

SECTION 10. This act shall take effect upon its passage.

Approved June 3, 1884.

AN ACT CONCERNING THE STATE REFORM SCHOOL.

Chap. 323

Be it enacted, etc., as follows:

SECTION 1 The state reform school at Westborough shall hereafter be known as the Lyman School for Boys, and all statutes now in force concerning said reform school

Lyman School for boys.

shall hereafter apply to the Lyman School for Boys, except as hereinafter provided.

Lands and buildings not assigned to hospital to be under control of trustees of school.

SECTION 2. All the lands and buildings thereon hitherto belonging to the state reform school, and not assigned to the state lunatic hospital in Westborough, shall be under the control and management of the trustees of the Lyman School for Boys; and to provide for the purchase of land and for additional buildings or accommodations for said Lyman school, the trustees are authorized to expend a sum not exceeding fifteen thousand dollars, provided no land shall be purchased nor buildings erected until estimates of cost have been approved by the governor and council; but after such approval said trustees shall have power to make all purchases and contracts and employ all agents necessary to carry into effect the powers herein conferred.

No boy to be committed to Lyman School who has passed the age of fifteen years.

SECTION 3. No boy shall be committed to the Lyman School for Boys who has passed the age of fifteen years; and if, within twenty days after the commitment of any boy, the trustees shall have reason to believe that such boy, at the time of his commitment, was more than fifteen years of age, they may apply to the court by whom such commitment was made for a revision of sentence, and the court shall have power to revise his sentence, after determining, in the manner provided by law for the determination of facts in said court, any question arising in regard to his age, and to pass such sentence as it might have passed if such boy had been found, at the time of his original sentence, to be of the age which it shall appear that he then was.

Appropriation.

SECTION 4. The sum of fifteen thousand dollars is hereby appropriated for the purposes mentioned in this act.

When to take effect.

SECTION 5. This act shall take effect upon its passage, so far as relates to providing for additional buildings or accommodations for the Lyman School for Boys, and in all other respects on the first day of October next.

Approved June 3, 1884.

Chap. 324

AN ACT RELATING TO PAWNBROKERS.

Be it enacted, etc., as follows:

Articles of personal apparel.

Articles of personal apparel shall not be deemed to be of a perishable nature within the meaning of section thirty-three of chapter one hundred and two of the Public Statutes.

Approved June 3, 1884.

AN ACT TO PROVIDE FOR THE SAFE KEEPING OF BALLOTS IN THE CITY *Chap. 325*
OF BOSTON.

Be it enacted, etc., as follows :

SECTION 1. It shall be the duty of the board of aldermen of the city of Boston to provide at the city hall or elsewhere within the limits of said city, a suitable safe or fire proof vault of sufficient capacity to contain all the boxes or envelopes in which the ballots cast at the state and municipal elections are deposited ; the key of said safe to be in the sole custody of the city clerk of said city.

Fire proof receptacle for ballots to be provided.

SECTION 2. No box of ballots thus deposited or held shall be delivered by the custodian of said safe, except upon the written order of a duly authorized committee on elections on part of said board of aldermen, the common council, the school committee or a committee of the legislature.

Not to be delivered except upon order of authorized committee.

SECTION 3. Said city clerk shall, in person, receive the boxes or envelopes in which said ballots may be deposited from the person or persons whose duty it may be to deliver them to the city clerk.

City clerk to receive ballots in person.

SECTION 4. Whoever wilfully violates any of the provisions of this act shall be punished by fine not exceeding one thousand dollars or imprisonment in the house of correction not exceeding one year.

Penalty.

SECTION 5. This act shall take effect upon its passage.

Approved June 3, 1884.

AN ACT IN RELATION TO THE PAYMENT OF MONEY INTO THE TREASURY *Chap. 326*
OF THE COMMONWEALTH.

Be it enacted, etc., as follows :

SECTION 1. In all cases when sales of the property of the Commonwealth are made by any officer of a state institution, the superintendent thereof shall submit to the trustees or other supervising board of such institution an itemized account of such sales, verified by his oath, which account shall be approved by the said trustees or other supervising board in the manner in which accounts for materials and supplies for such institutions are approved, and such itemized account shall be filed with the treasurer of the Commonwealth at the time when the proceeds of such sales are paid into the treasury in compliance with law.

Itemized account of sales under oath, to be filed with treasurer.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1884.

Chap.327 AN ACT AUTHORIZING THE CITY OF BOSTON TO BUILD A PILE STRUCTURE IN CHARLES RIVER.

Be it enacted, etc., as follows:

City may cover with a pile structure certain flats in Charles River.

SECTION 1. The city of Boston may cover with a pile structure the parcel of flats in Boston covered by the waters of Charles River and bounded by the new Warren Bridge, the pile structure of the Fitchburg railroad company, and the line of the southerly side of the draw openings in said bridge and the bridge of said railroad company, and may maintain the same; all new piles for said structure required in addition to the existing piles shall be driven in such places as the board of harbor and land commissioners shall designate.

P. S. 19 only to apply as provided in this act.

SECTION 2. Except as provided in this act chapter nineteen of the Public Statutes shall not apply to the structure herein authorized.

SECTION 3. This act shall take effect upon its passage.

[*This bill, returned by the Governor to the Senate in which it originated, with his objections thereto, was there passed on the third day of June, 1884, and in concurrence by the House of Representatives on the fourth day of June, 1884, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and thereby had the "force of a law."*]

Chap.328 AN ACT TO ESTABLISH THE SALARY OF THE GOVERNOR OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Salary of the governor.

SECTION 1. The governor shall receive out of the treasury a salary of five thousand dollars a year, and shall be entitled to no fees or perquisites.

When to take effect.

SECTION 2. This act shall take effect at the beginning of the next political year. *Approved June 4, 1884.*

Chap.329 AN ACT ESTABLISHING THE SALARIES OF THE CLERK OF THE SENATE AND THE CLERK OF THE HOUSE OF REPRESENTATIVES.

Be it enacted, etc., as follows:

Salaries of clerks of senate and house.

SECTION 1. The clerk of the senate and the clerk of the house of representatives, from and after the first day of January in the year eighteen hundred and eighty-four, shall each receive a salary of three thousand dollars a year.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1884.

AN ACT CONCERNING FOREIGN CORPORATIONS HAVING A USUAL PLACE *Chap. 330*
OF BUSINESS IN THIS COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Every corporation established under the laws of any other state or foreign country and hereafter having a usual place of business in this Commonwealth shall, before doing business in this Commonwealth, appoint in writing the commissioner of corporations or his successor in office to be its true and lawful attorney upon whom all lawful processes in any action or proceeding against it may be served, and in such writing shall agree that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served on the company, and that the authority shall continue in force so long as any liability remains outstanding against the company in this Commonwealth. A copy of the writing duly certified and authenticated, shall be filed in the office of the said commissioner, and copies certified by him shall be deemed sufficient evidence thereof. Service upon such attorney shall be deemed sufficient service upon the principal.

Foreign corporation to appoint commissioner of corporations its attorney, upon whom process may be served.

SECTION 2. When legal process against any such company is served upon said commissioner, he shall immediately notify the company of such service by letter with postage prepaid directed in the case of a company of a foreign country to the resident manager, if any, in this country; and shall, within two days after such service, forward in the same manner a copy of the process served on him to such corporation or manager, or to any person designated by the company in writing. The plaintiff in each process so served shall pay to the commissioner at the time of such service a fee of two dollars, which shall be recovered by him as part of the taxable costs, if he prevails in the suit. The said commissioner shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made.

When process is served upon commissioner, he shall immediately notify the company.

SECTION 3. Every such company before transacting business in this Commonwealth shall file with said commissioner a copy of its charter or certificate of incorporation, and a statement of the amount of its capital stock, and the amount paid in thereon to its treasurer, and if any part of such payment has been made otherwise than in money the statement shall set forth the particulars thereof, and said statement shall be subscribed and sworn

Before transacting business, company shall file with the commissioner a copy of its charter, etc.

to by its president, treasurer and by a majority of its directors or officers having the powers usually exercised by directors. All such companies now doing business in this Commonwealth shall file such copy and such statement on or before the first day of October next, provided such business is thereafter continued. Every officer of a corporation which fails to comply with the requirements of this act, and every agent of such corporation who transacts business as such in this Commonwealth shall for such failure be liable to a fine not exceeding five hundred dollars ; but such failure shall not affect the validity of any contract by or with such corporation. Every such company shall pay into the treasury ten dollars for filing the copy of its charter, and five dollars for filing the statement required by this section.

* Companies now doing business, to file copy, etc. on or before Oct. 1, 1884, under penalty.

Fees for filing copy and statement.

Not to apply to insurance companies.

To take effect July 1, 1884.

SECTION 4. This act shall not apply to foreign insurance companies.

SECTION 5. This act shall take effect on the first day of July in the year eighteen hundred and eighty-four.

Approved June 4, 1884.

Chap. 331 AN ACT IN ADDITION TO "AN ACT TO ESTABLISH A REFORMATORY FOR MALE PRISONERS."

Be it enacted, etc., as follows :

Organ may be removed from state prison at Concord to buildings at Boston.

SECTION 1. The commissioners of prisons may, in carrying out the provisions of chapter two hundred and fifty-five of the acts of the year eighteen hundred and eighty-four, remove from the state prison at Concord to the buildings at Boston formerly occupied as said prison, the organ formerly used in the chapel of said prison, together with the steam boiler formerly used in heating the house of the warden, and such other articles of property as in the opinion of said warden and commissioners will not be needed in said prison buildings at Concord after the removal of said prison to Boston.

Stores and other articles may be sold from the state prison to the reformatory.

SECTION 2. The warden of the state prison may sell to the superintendent of the Massachusetts reformatory, when the same shall have been established, such stores, provisions and other articles belonging to the state prison as in the opinion of the warden should be so sold, and shall turn over to the treasurer of the Commonwealth the receipts from said sales ; and the warden may expend, for the support of said state prison, in addition to the appro-

priation therefor, an amount equal to that so turned over to the said treasurer.

SECTION 3. The cost of removing the prisoners in the state prison, from Concord to Boston, and the cost of all other transportation involved in the removal of the said prison, shall be paid from the treasury of the Commonwealth.

Cost of removing prisoners to be paid from state treasury.

SECTION 4. Said commissioners may expend for the repair of damages caused by the fire which occurred in one of the prison buildings at Boston on the seventeenth day of May of the year eighteen hundred and eighty-four, a sum not exceeding eight hundred dollars. Said commissioners may also expend for additional clerical assistance during the current year, a sum not exceeding two hundred and fifty dollars. The secretary of said commissioners shall receive for additional service required from him under said chapter two hundred and fifty-five, such sum, not exceeding three hundred and fifty dollars, as said commissioners shall fix.

Repair of damages caused by fire.

Clerical assistance.

Additional compensation for secretary.

SECTION 5. Section fourteen of said chapter two hundred and fifty-five is hereby amended by striking out, in the first line thereof, the words "with the same consent," and by inserting after the word "necessary" in the fourth line of said section, the words "with the same consent."

Amendment to 1884, 255, § 14

SECTION 6. This act shall take effect upon its passage.

Approved June 4, 1884.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Chap. 332

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

Appropriations.

For certain inhabitants of the towns of Gay Head and Chilmark, two thousand four hundred dollars, as authorized by chapter forty-one of the resolves of the present year.

Certain inhabitants of Gay Head and Chilmark.

For completing the list of Massachusetts officers, sailors and marines who served in the navy in the late civil war, one thousand dollars, as authorized by chapter forty-five of the resolves of the present year, the same to be in addition

List of the navy in the late war.

to five hundred dollars appropriated by chapter thirty-two of the acts of the present year.

Report of trustees of agricultural college.

For printing additional copies of the report of the trustees of the agricultural college, a sum not exceeding one hundred and thirty dollars, as authorized by chapter forty-six of the resolves of the present year.

Hillside Agricultural Society.

For the Hillside agricultural society, two hundred dollars, as authorized by chapter forty-seven of the resolves of the present year.

Report of board of control of experimental station.

For printing the report of the board of control of the Massachusetts agricultural experimental station, a sum not exceeding three hundred and seventy-five dollars, as authorized by chapter forty-eight of the resolves of the present year.

Alice S. Holbrook.

For Alice S. Holbrook, seventy-two dollars, as authorized by chapter forty-nine of the resolves of the present year.

Agricultural college.

For the Massachusetts agricultural college, a sum not exceeding thirty-six thousand dollars, as authorized by chapter fifty of the resolves of the present year.

Normal school at Worcester.

For the state normal school at Worcester, one thousand dollars, as authorized by chapter fifty-one of the resolves of the present year.

Census.

For expenses in connection with preparing for taking the decennial census, a sum not exceeding two thousand dollars, as authorized by chapter one hundred and eighty-one of the acts of the present year.

Judge of probate and insolvency for Berkshire county.

For the salary of the judge of probate and insolvency for the county of Berkshire, two hundred and sixty-nine dollars and ninety cents, as authorized by chapter one hundred and ninety-two of the acts of the present year, the same to be in addition to the one thousand two hundred dollars appropriated by chapter six of the acts of the present year.

Register of probate, etc., for Berkshire county.

For the salary of the register of probate and insolvency for the county of Berkshire, two hundred and sixty-nine dollars and ninety cents, as authorized by chapter one hundred and ninety-two of the acts of the present year, the same to be in addition to the one thousand two hundred dollars appropriated by chapter six of the acts of the present year.

Contagious diseases among cattle.

For the purpose of carrying out the provisions of chapter two hundred and thirty-two of the acts of the present

year, entitled “An Act concerning contagious diseases among cattle,” a sum not exceeding two thousand dollars.

For the construction of additional buildings at the state workhouse at Bridgewater, a sum not exceeding fifty thousand dollars, as authorized by chapter fifty-four of the resolves of the present year.

Buildings at
state work-
house.

For the salary of the register of probate and insolvency for the county of Hampden, one hundred and thirty-three dollars and thirty-four cents, the same to be in addition to the sixteen hundred dollars appropriated by chapter six of the acts of the present year.

Register of pro-
bate, etc., for
county of
Hampden.

For the publication of a list of persons whose names have been changed in this Commonwealth, a sum not exceeding one thousand eight hundred dollars, as authorized by chapter two hundred and forty-nine of the acts of the present year.

List of names
changed.

For alterations and repairs in the old state prison buildings at Boston, a sum not exceeding thirty-five thousand dollars; for the prison and hospital loan sinking fund, sixty thousand dollars; for assistance to prisoners discharged from the Massachusetts reformatory, a sum not exceeding one thousand dollars; and for the removal of prisoners to and from the Massachusetts reformatory, a sum not exceeding two hundred dollars, all of the foregoing being authorized by chapter two hundred and fifty-five of the acts of the present year.

Repairs in old
state prison
buildings.

Assistance to
prisoners.

Removal of
prisoners.

For salaries and expenses at the Massachusetts reformatory, a sum not exceeding forty thousand dollars.

Massachusetts
reformatory.

The appropriation made by chapter fifty of the acts of the present year for the payment of salaries and expenses at the state prison at Concord, is hereby made applicable for the payment of salaries and expenses at the state prison at Boston, whenever the prison is removed to Boston as provided for in chapter two hundred and fifty-five of the acts of the present year.

Appropriation
for prison at
Concord appli-
cable to prison
at Boston.

For the support of normal schools, a sum not exceeding five hundred dollars, to be paid out of the moiety of the income of the school fund applicable for educational purposes, said sum being for the purpose of employing a night watchman in the boarding house at the Bridgewater normal school, being in addition to the sixty-two thousand and thirty-four dollars appropriated by chapter twenty-one of the acts of the present year.

Night watch-
man in boarding
house at Bridge-
water normal
school.

For authorized expenses of committees of the present

Expenses of
committees.

legislature, a sum not exceeding one thousand dollars, in addition to the ten thousand dollars appropriated by chapters two and two hundred and forty of the acts of the present year.

Dwelling-houses, etc., at state prison at Concord.

For the completion of dwelling houses and the disposal of sewage at the state prison at Concord, a sum not exceeding thirty-eight hundred dollars, as authorized by chapter fifty-seven of the resolves of the present year.

Connecticut River.

For the conservation of the Connecticut river, a sum not exceeding one thousand dollars, as authorized by chapter fifty-eight of the resolves of the present year.

Cape Cod ship canal, engineers and commissioners.

For compensation and expenses of engineers and commissioners, to be appointed by the governor, as provided for in sections seven and twelve of chapter two hundred and seventy-four of the acts of the present year, being an act entitled "An Act in relation to the Cape Cod ship canal company," a sum not exceeding ten thousand dollars.

Report of secretary of board of agriculture.

For printing extra copies of the report of the secretary of the board of agriculture, a sum not exceeding fifteen hundred dollars, as authorized by chapter sixty-two of the resolves of the present year.

Commission on drainage of valleys of Mystic River, etc.

For compensation and expenses of a commission to consider a general system of drainage for the valleys of the Mystic, Charles and Blackstone rivers, a sum not exceeding twenty thousand dollars, as authorized by chapter sixty-three of the resolves of the present year.

Adulteration of food and drugs.

To carry out the provisions of the act relating to the adulteration of food and drugs, a sum not exceeding five thousand dollars, as authorized by chapter two hundred and eighty-nine of the acts of the present year, to be in addition to the five thousand dollars appropriated by chapter nine of the acts of the present year.

Books for the registration of voters.

For blank books for the registration of voters, as provided for in section twenty-two of chapter two hundred and ninety-eight of the acts of the present year, a sum not exceeding seven hundred and fifty dollars.

Ballot-boxes.

For the purpose of providing cities and towns with ballot-boxes, as provided for in section ten of chapter two hundred and ninety-nine of the acts of the present year, a sum not exceeding thirty-five thousand dollars.

Agents appointed by board of health lunacy and charity.

For salaries and expenses of agents appointed by the board of health, lunacy and charity, under the authority of chapter two hundred and fifty-eight of the acts of the present year, a sum not exceeding two thousand dollars.

From the appropriation made the present year for salaries and expenses of the departments of in-door and out-door poor there may be used such sum as may be necessary to pay the salary of the auditor and clerk of the board of health, lunacy and charity.

Departments of
in-door and out-
door poor.

For the support and transportation of outside foundlings, a sum not exceeding five thousand dollars, in addition to the ten thousand dollars appropriated by chapter nine of the acts of the present year.

Foundlings.

For expenses of the special committee of the senate, appointed to inquire into any attempt to improperly influence the action of senators upon the bill relative to the formation of water gas companies, to include stenographic reporting and fees of witnesses, a sum not exceeding one thousand dollars.

Expenses of
special commit-
tee of the
senate.

For compensation of the doorkeepers, messengers and pages of the present legislature, a sum not exceeding two thousand dollars, in addition to the twenty thousand dollars appropriated by chapters two and two hundred and forty of the acts of the present year.

Doorkeepers,
messengers and
pages.

For Mary Going of Boston, two hundred and forty-eight dollars and fifty cents, as authorized by chapter sixty-eight of the resolves of the present year.

Mary Going.

For providing for fire escapes at the state normal school at Bridgewater, a sum not exceeding eight hundred dollars, as authorized by chapter sixty-nine of the resolves of the present year.

Fire escapes at
normal school
at Bridgewater.

To provide for a topographical survey and map of the Commonwealth, a sum not exceeding ten thousand dollars, as authorized by chapter seventy-two of the resolves of the present year.

Map and survey
of the state.

For the widow of the late Lewis Gaul, four hundred and eighty-one dollars, as authorized by chapter seventy-three of the resolves of the present year.

Lewis Gaul.

For the brothers of the late James William Finan, three hundred and twelve dollars, as authorized by chapter eighty of the resolves of the present year.

James William
Finan.

For the Campello Coöperative Bank, two hundred and six dollars and twenty-nine cents, as authorized by chapter seventy-seven of the resolves of the present year.

Campello Coöp-
erative Bank.

To carry out the provisions of the act to improve the civil service of the Commonwealth and the cities thereof, a sum not exceeding four thousand dollars, as authorized

Civil service.

by chapter three hundred and twenty of the acts of the present year.

Printing elec-
tion laws.

For printing for use in the several cities and towns of the Commonwealth the laws relating to elections, a sum not exceeding eight hundred dollars, as authorized by chapter seventy-four of the resolves of the present year.

Repairs at state
house, etc.

For repairs and improvements in the state house and at the Commonwealth building, a sum not exceeding sixteen thousand three hundred dollars, as authorized by chapter seventy-eight of the resolves of the present year.

Homœopathic
hospital for the
insane.

For the purpose of establishing a homœopathic hospital for the insane at Westborough, a sum not exceeding one hundred and fifty thousand dollars, as authorized by chapter three hundred and twenty-two of the acts of the present year.

State reform
school.

To carry out the provisions of the act concerning the state reform school, a sum not exceeding fifteen thousand dollars, as authorized by chapter three hundred and twenty-three of the acts of the present year.

Senators.

For compensation of senators, six thousand three hundred dollars, in addition to the twenty thousand five hundred dollars appropriated by chapter two of the acts of the present year.

Representa-
tives.

For compensation of representatives, thirty-eight thousand two hundred and fifty dollars, in addition to the one hundred and twenty thousand five hundred dollars appropriated by chapter two of the acts of the present year.

John Doherty.

For the child of the late John Doherty, six hundred and fifty dollars, as authorized by chapter seventy-nine of the resolves of the present year.

Removing pris-
oners from state
prison.

For payment of the cost of removing prisoners from the state prison at Concord to Boston, and all other transportation in connection therewith, a sum not exceeding six hundred dollars.

Buildings dam-
aged by fire.

For repairs to buildings damaged by fire at the old state prison at Boston, May seventeenth eighteen hundred and eighty-four, a sum not exceeding eight hundred dollars.

Commissioners
of prisons, cler-
ical assistance.

For additional clerical assistance in the office of the commissioners of prisons, a sum not exceeding two hundred and fifty dollars.

Additional for
secretary.

For additional compensation for the secretary of the commissioners of prisons, a sum not exceeding three hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1884.

AN ACT ESTABLISHING THE SALARY OF THE SERGEANT-AT-ARMS.

Chap.333

Be it enacted, etc., as follows :

SECTION 1. The sergeant-at-arms shall receive an annual salary of three thousand dollars from and after January first in the year eighteen hundred and eighty-four.

Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1884.

AN ACT ESTABLISHING THE SALARY OF THE ASSISTANT CLERK OF THE SENATE AND THE ASSISTANT CLERK OF THE HOUSE OF REPRESENTATIVES.

Chap.334

Be it enacted, etc., as follows :

SECTION 1. The assistant clerk of the senate and the assistant clerk of the house of representatives from and after the first day of January in the year eighteen hundred and eighty-four shall each receive a salary of fifteen hundred dollars a year.

Salaries established.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1884.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES OF THE CLERKS AND ASSISTANT CLERKS OF THE SENATE AND HOUSE OF REPRESENTATIVES AND THE SERGEANT-AT-ARMS.

Chap.335

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the following purposes, to wit :—

Appropriations.

For the salaries of the clerks of the senate and house of representatives, one thousand dollars, being in addition to the amount heretofore appropriated.

Clerks of senate and house.

For the salaries of the assistant clerks of the senate and house of representatives, six hundred dollars, being in addition to the amount heretofore appropriated.

Assistant clerks.

For the salary of the sergeant-at-arms, five hundred dollars, being in addition to the amount heretofore appropriated.

Sergeant-at-arms.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1884.

RESOLVES.

Chap. 1 RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN
ANTICIPATION OF THE REVENUE.

Treasurer may
borrow money
in anticipation
of the revenue.

Resolved, That the treasurer and receiver-general be and he is hereby authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may be from time to time necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the general court, at such rates of interest as shall be found necessary; and that he repay any sums he may borrow under this resolve as soon as money sufficient for the purpose and not otherwise appropriated shall be received into the treasury.

Approved January 22, 1884.

Chap. 2 RESOLVE IN FAVOR OF THE REFORMATORY PRISON FOR WOMEN.

Reformatory
prison for
women.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, from the unexpended balance of the appropriation made by chapter thirty-nine of the resolves of the year eighteen hundred and eighty-three, entitled a "Resolve to provide for the better protection of the reformatory prison for women against fire," a sum not exceeding twelve hundred dollars, to be expended under the direction of the commissioners of prisons for the purchase of fire hose and one or more hose carriages for use at said prison.

Approved February 1, 1884.

Chap. 3 RESOLVE TO CONFIRM THE ACTS DONE BY FREDERICK J. BARNARD
AS A NOTARY PUBLIC.

Acts done by
Frederick J.
Barnard as
notary public,
confirmed.

Resolved, That all acts done by Frederick J. Barnard, as a notary public within and for the county of Worcester, between the nineteenth day of September eighteen hun-

dred and eighty-three and the tenth day of January eighteen hundred and eighty-four, are hereby made valid and confirmed to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved February 12, 1884.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND
EAR INFIRMARY. *Chap. 4*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth ten thousand dollars to the Massachusetts charitable eye and ear infirmary, to be expended under the direction of the managers thereof for the charitable purposes of said infirmary for the present year; and the said managers shall report to the state board of health, lunacy and charity.

Massachusetts
charitable eye
and ear in-
firmary.

Approved February 12, 1884.

RESOLVE IN FAVOR OF RUFUS R. WADE.

Chap. 5

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Rufus R. Wade, the sum of five hundred and forty-eight dollars, the same being the amount paid by him for medical services and attendance, on account of injuries received while in the discharge of his duties as chief of the district police.

Allowance to
Rufus R. Wade.

Approved February 12, 1884.

RESOLVE FOR THE BETTER PROTECTION OF THE INTERESTS OF THE
COMMONWEALTH IN BONDS OF THE NEW YORK AND NEW EN-
GLAND RAILROAD COMPANY. *Chap. 6*

Resolved, That for the purpose of protecting the interests of the Commonwealth in the bonds of the New York and New England Railroad Company, and securing the value of said bonds to the sinking fund to which they belong, the treasurer of the Commonwealth is hereby authorized and instructed to represent and act for the Commonwealth, in person or by the attorney-general or his assistant, or other counsel, subject in all cases to the approval of the governor and council, in all matters, acts and proceedings affecting said securities, and especially in any proceedings of the bondholders or trustees under the mortgages given by said corporation, or of the stockholders or officers of said corporation, or of the creditors of said corporation, before any court of justice or elsewhere; and, with the approval of the governor and

Interests of the
Commonwealth
in the bonds of
the New York
and New Eng-
land Railroad
Company.

council, in execution of the foregoing power, to require and direct proceedings by the trustees under the "second mortgage," to wit, that given by said railroad corporation to William T. Hart, Frederick J. Kingsbury and Eustace C. Fitz, trustees, according to its provisions; to provide for the indemnification of the trustees, and generally to do any and all acts in the premises necessary and proper for effectually protecting the interests of the Commonwealth in said property. *Approved February 15, 1884.*

Chap. 7

Fitchburg
Coöperative
Bank.

RESOLVE IN FAVOR OF THE FITCHBURG COÖPERATIVE BANK.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Fitchburg Coöperative Bank the sum of eighty-three dollars and fifty cents; the same being the amount of tax overpaid by said bank in the year eighteen hundred and eighty-two.

Approved February 27, 1884.

Chap. 8

Allowance to
George White.

RESOLVE IN FAVOR OF GEORGE WHITE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to George White, the sum of seven hundred and fifty dollars, the same being for his services rendered as acting judge of probate and insolvency for the county of Plymouth, from March thirty-first to September twenty-eighth, inclusive, in the year eighteen hundred and eighty-three, there being during said period a vacancy in the office of judge of probate and insolvency for said county of Plymouth. *Approved March 1, 1884.*

Chap. 9

George A.
Stearns.
Sarah N. Rich-
ardson.
Margaret
Turner.

RESOLVE IN FAVOR OF GEORGE A. STEARNS AND SARAH N. RICHARDSON.

Resolved, That this Commonwealth hereby grants to George A. Stearns and Sarah N. Richardson, all its right, title and interest in the personal property of which Margaret Turner, late of Watertown, died possessed, and which for want of heirs would escheat to the Commonwealth.

Approved March 1, 1884.

Chap. 10

RESOLVE PROVIDING FOR THE CONSTRUCTION OF COAL SHEDS AT THE STATE PRISON AT CONCORD.

State prison at
Concord.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding six thousand dollars, to be expended under the direction of the commissioners of prisons, for the purpose of constructing coal sheds at the state prison at Concord. So much

of chapter forty-three of the resolves of eighteen hundred and eighty-three as relates to the construction of coal sheds is hereby repealed. *Approved March 7, 1884.*

RESOLVE IN FAVOR OF JOHN KENNEY.

Chap. 11

Resolved, That John Kenney, father of Thomas Kenney who served to the credit of the Commonwealth in the war of the Rebellion in company K, twenty-eighth regiment Massachusetts volunteers, and died in service September seventeenth eighteen hundred and sixty-two, shall, from and after February first eighteen hundred and eighty-four, be eligible to receive the same state aid to which he would have been eligible had he been in receipt of the same in eighteen hundred and sixty-six and eighteen hundred and sixty-seven: *provided*, that he is otherwise qualified to receive state aid under the provisions, limitations and regulations of chapter thirty of the Public Statutes.

Allowance to
John Kenney.

Approved March 7, 1884.

RESOLVE IN FAVOR OF WILLIAM AND CATHERINE McLAUGHLIN.

Chap. 12

Resolved, That William and Catherine McLaughlin, father and mother of James McLaughlin who served to the credit of the Commonwealth in the war of the rebellion, in company I, thirtieth regiment Massachusetts volunteers, and died of consumption in Boston on the eighteenth of November eighteen hundred and sixty-nine, shall, from and after February first eighteen hundred and eighty-four, be eligible to receive the same amount of state aid that they would have been eligible to had they been in receipt of the same in eighteen hundred and sixty-six and eighteen hundred and sixty-seven: *provided*, that they are otherwise qualified to receive state aid under the provisions, limitations and regulations of chapter thirty of the Public Statutes.

William
McLaughlin.
Catherine
McLaughlin.
James
McLaughlin.

Approved March 7, 1884.

RESOLVE IN FAVOR OF DANIEL F. MORAN AND FRANCIS E. BURTON.

Chap. 13

Resolved, That Daniel F. Moran, of Boston, late a member of company C, forty-second regiment Massachusetts volunteers, and Francis E. Burton, of Somerville, late a member of company A, forty-second regiment Massachusetts volunteers, shall, from and after January first eighteen hundred and eighty-four, be eligible to receive state aid, under the provisions, rules and regulations of chapter thirty of the Public Statutes, in the same manner and to

Allowances to
Daniel F.
Moran and
Francis E.
Burton.

the same extent to which they would have been eligible had they served to the credit of the Commonwealth in the late war of the rebellion.

Approved March 7, 1884.

Chap. 14

Allowance to
Moses B. Waitt.

RESOLVE IN FAVOR OF MOSES B. WAITT.

Resolved, That Moses B. Waitt, of Boston, father of Ashbel Waitt who served to the credit of the Commonwealth in the war of the rebellion, in company L, first regiment heavy artillery, Massachusetts volunteers, and who died in said service on the twenty-fourth day of September eighteen hundred and sixty-three, shall, from and after February first eighteen hundred and eighty-four, be eligible to receive the same state aid to which he would have been eligible had he been in receipt of the same in eighteen hundred and sixty-six and eighteen hundred and sixty-seven : *provided*, that he is otherwise qualified under the provisions, limitations and regulations of chapter thirty of the Public Statutes.

Approved March 10, 1884.

Chap. 15

Valentine Bradshaw eligible to receive military aid.

RESOLVE IN FAVOR OF VALENTINE BRADSHAW.

Resolved, That Valentine Bradshaw, formerly a member of company F, sixth regiment Massachusetts infantry, (one hundred days troops) shall, from and after February first eighteen hundred and eighty-four, be eligible to receive military aid under the provisions, rules and regulations of chapter thirty of the Public Statutes, in the same manner and to the same extent that he would have been had he served to the credit of Massachusetts.

Approved March 11, 1884.

Chap. 16

Bridget Slattery eligible to receive state aid.

RESOLVE IN FAVOR OF BRIDGET SLATTERY.

Resolved, That Bridget Slattery, of Groton, widow of the late Daniel Slattery shall, from and after February first eighteen hundred and eighty-four, be eligible to receive state aid under the provisions, rules and regulations of chapter thirty of the Public Statutes, in the same manner and to the same extent that she would have been had her husband been in receipt of state aid at the time of his death.

Approved March 11, 1884.

Chap. 17

Soldiers' Home in Massachusetts.

RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the

soldiers' home in Massachusetts, incorporated by chapter two hundred and eighteen of the acts of the year eighteen hundred and seventy-seven, the sum of fifteen thousand dollars, the same to be used towards the maintenance of a home for deserving soldiers and sailors.

Approved March 11, 1884.

RESOLVE IN FAVOR OF HIRAM P. HARRIMAN.

Chap. 18

Allowance to
Hiram P. Har-
riman.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Hiram P. Harriman, the sum of five hundred and twenty dollars, the same being for his services rendered as acting judge of probate and insolvency for the county of Bristol, from August eighteenth to November thirtieth, inclusive, in the year eighteen hundred and eighty-three, there being during said period a vacancy in the office of judge of probate and insolvency for said county of Bristol.

Approved March 7, 1884.

RESOLVE IN FAVOR OF THE STATE LUNATIC HOSPITAL AT TAUNTON.

Chap. 19

State lunatic
hospital at
Taunton.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the state lunatic hospital at Taunton, ten thousand two hundred and thirty dollars, to be expended for the following purposes:—Thirty-six hundred dollars, for laying out and grading a new street including land damages; twenty-five hundred dollars, for painting wood-work outside of said hospital building; thirteen hundred dollars, for the extension of the water pipes around the building, and for new hydrants; twenty-one hundred dollars, for building brick walls for further protection against fire; and seven hundred and thirty dollars, for new pumps for distribution of water for use in case of fire.

Approved March 12, 1884.

RESOLVE IN FAVOR OF THE MOUNT HOLYOKE FEMALE SEMINARY.

Chap. 20

Mount Holyoke
Female Semi-
nary.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the Mount Holyoke female seminary at South Hadley, four hundred and fifty dollars and five cents, the same being the aggregate amount of tax collected by the Commonwealth on certain shares of the state national bank, of Boston, owned by said seminary, from and including the year eighteen hundred and seventy-four to and including the year

eighteen hundred and eighty-two, and which said taxes would have been paid said trustees, had they called for the amount at the proper time within the years named.

Approved March 12, 1884.

Chap. 21

Lucy T. Langmaid, widow of George W. Langmaid eligible to receive state aid.

RESOLVE IN FAVOR OF LUCY T. LANGMAID.

Resolved, That Lucy T. Langmaid, of Salem, widow of the late George W. Langmaid who was a private in company C, second Massachusetts volunteers, shall, from and after February first eighteen hundred and eighty-four, be eligible to receive state aid in the same manner and to the same extent she would have been entitled had her husband been in receipt of state aid at the time of his death: *provided*, she is otherwise qualified under the provisions, limitations and regulations of chapter thirty of the Public Statutes.

Approved March 12, 1884.

Chap. 22

County taxes granted.

RESOLVE GRANTING COUNTY TAXES.

Resolved, That the sums placed against the names of the several counties in the following schedule are granted as a tax for each county, respectively, to be collected and applied according to law:—Barnstable, thirteen thousand dollars; Berkshire, sixty thousand dollars, provided that not less than ten thousand dollars thereof be applied to the reduction of the existing debt of said county; Bristol, one hundred thousand dollars; Dukes, seven thousand one hundred dollars, provided that not less than one thousand dollars thereof be applied to the reduction of the existing debt of said county; Essex, two hundred and five thousand dollars, provided that not less than forty thousand dollars thereof be applied to the reduction of the existing debt of said county; Franklin, twenty-six thousand dollars, provided that not less than two thousand dollars thereof be applied to the reduction of the existing debt of said county; Hampden, eighty-one thousand dollars, provided that not less than six thousand two hundred and fifty dollars thereof be applied to the reduction of the existing debt of said county; Hampshire, thirty-eight thousand dollars, provided that not less than one thousand dollars thereof be applied to the reduction of the existing debt of said county; Middlesex, one hundred and fifty thousand dollars; Norfolk, fifty-five thousand dollars; Plymouth, forty-five thousand dollars; Worcester, one hundred and two thousand five hundred dollars, provided

that not less than two thousand five hundred dollars thereof be applied to the purchase of federal and state reports and statutes for the Worcester county law library.

Approved March 18, 1884.

RESOLVE CONFIRMING THE ACTS OF MOSES N. ARNOLD AS A JUSTICE OF THE PEACE. *Chap. 23*

Resolved, That all acts done by Moses N. Arnold as a justice of the peace, between the twenty-third day of August and the fifth day of December, in the year eighteen hundred and eighty-three, are hereby made valid and confirmed to the same extent as though he had been during that time qualified to discharge the duties of said office.

Acts done by
Moses N.
Arnold as Jus-
tice of the
peace, con-
firmed.

Approved March 18, 1884.

RESOLVE GRANTING AN ALLOWANCE TO CERTAIN ORGANIZATIONS FOR THE ERECTION OF MONUMENTS ON THE BATTLEFIELD AT GETTYSBURG, PENNSYLVANIA. *Chap. 24*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding five hundred dollars, to each of the following named organizations, viz.:—The first, second, seventh, ninth, tenth, eleventh, twelfth, thirteenth, fifteenth, sixteenth, eighteenth, nineteenth, twentieth, twenty-second, twenty-eighth, thirty-second, thirty-third and thirty-seventh regiments of infantry; first and second companies of Andrew sharpshooters; first, third, fifth and ninth batteries of artillery, and the first regiment of cavalry; all Massachusetts volunteers, and engaged in the battle at Gettysburg, Pennsylvania; for the purpose of erecting suitable monuments on the said battlefield; the said amounts to be paid upon the approval of the governor and council to a duly authorized officer or committee of each association of the aforementioned organizations, if applied for within two years from the date of the passage of this resolve. The aggregate amount of payments under this resolve shall not exceed the sum of twelve thousand five hundred dollars.

Monuments on
the battlefield at
Gettysburg.

Approved March 25, 1884.

RESOLVE IN FAVOR OF ARTEMAS RAYMOND.

Chap. 25

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Artemas Raymond, of Dedham, the sum of two hundred dollars in full compensation for one horse accidentally and fatally injured while

Allowance to
Artemas Ray-
mond.

in the service of the Commonwealth, in battery A, at the encampment of said battery at Framingham on or about the eighteenth day of August eighteen hundred and eighty-three.

Approved March 26, 1884.

Chap. 26

Maria H. Sargent, granted an annuity.

RESOLVE IN FAVOR OF MARIA H. SARGENT.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Maria H. Sargent, of Malden, an annuity of three hundred dollars, for the rest of her natural life, as state aid, from the first day of January in the year eighteen hundred and eighty-four, payable in equal quarterly instalments.

Approved March 26, 1884.

Chap. 27

Allowance to town of Holden.

RESOLVE IN FAVOR OF THE TOWN OF HOLDEN.

Resolved. That there be allowed and paid out of the treasury of the Commonwealth to the town of Holden, as re-imbursement for money paid for the support of state paupers, the sum of thirty-four dollars.

Approved March 26, 1884.

Chap. 28

Soldiers' messenger corps.

RESOLVE IN FAVOR OF THE SOLDIERS' MESSENGER CORPS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the disabled soldiers' employment bureau, a sum not exceeding eight hundred dollars, the same to be expended under the direction of the adjutant-general. Three hundred dollars of said sum shall be allowed for superintendence of said bureau.

Approved March 26, 1884.

Chap. 29

Lebbeus W. Smith, father of Robert H. Smith eligible to receive state aid.

RESOLVE IN FAVOR OF LEBBEUS W. SMITH.

Resolved, That Lebbeus W. Smith, of Boston, father of Robert H. Smith who served to the credit of the Commonwealth in the war of the rebellion, in company G, fifty-sixth regiment Massachusetts volunteers, and who died while a prisoner of war at Florence, South Carolina, on the twenty-sixth day of September eighteen hundred and sixty-four, shall from and after February first eighteen hundred and eighty-four, be eligible to receive the same state aid he would have been eligible to receive had he been in the receipt of the same under chapter one hundred and seventy-two of the acts of the year eighteen hundred and sixty-six: *provided*, that he is otherwise

qualified under the provisions, limitations and regulations of chapter thirty of the Public Statutes.

Approved March 26, 1884.

RESOLVE IN FAVOR OF THE STATE WORKHOUSE AT BRIDGEWATER. *Chap. 30*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-five thousand dollars, in addition to the amount heretofore appropriated, for the purpose of completing the buildings now in process of erection at Bridgewater, and as authorized under chapter sixty-one of the resolves of the year one thousand eight hundred and eighty-three, and for the purpose of providing for the drainage of and the lighting and heating of said buildings; said sum to be expended under the direction of the trustees and superintendent of the state workhouse.

Approved March 27, 1884.

State workhouse, completion of buildings.

RESOLVE IN FAVOR OF FRANCES A. HANSCOM

Resolved, That Frances A. Hanscom, widow of William A. Hanscom formerly a member of company D, thirteenth regiment of Massachusetts volunteer infantry, and afterward an officer in the United States colored troops during the late civil war, shall from and after the first day of February eighteen hundred and eighty-four, be eligible to receive state aid under the provisions, rules and regulations of chapter thirty of the Public Statutes, in the same manner and to the same extent that she would have been entitled, had the disability of which her husband died been incurred in the regiment in which he originally enlisted.

Approved March 31, 1884.

Chap. 31

Frances A. Hanscom, widow of William A. Hanscom eligible to receive state aid.

RESOLVE IN FAVOR OF THE DELEGATES TO THE EDUCATIONAL CONVENTION AT LOUISVILLE, KENTUCKY, IN SEPTEMBER, EIGHTEEN HUNDRED AND EIGHTY-THREE. *Chap. 32*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of seventy-five dollars each to the following named persons: — Alonzo A. Miner, William T. Harris, Thomas W. Bicknell, Edward C. Carrigan and John W. Dickinson, to reimburse them for expenses incurred as a commission appointed by the governor to attend the educational convention held at Louisville, Kentucky, in September eighteen hundred and eighty-three.

Approved April 4, 1884.

Delegates to educational convention at Louisville, Ky.

Chap. 33 RESOLVE IN FAVOR OF THE STATE NORMAL SCHOOL AT SALEM.

State normal
school at
Salem.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eight hundred dollars, for replacing floors, for other necessary repairs, and for a new chemical table for the state normal school at Salem; the same to be expended under the direction of the board of education.

Approved April 4, 1884.

Chap. 34 RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT TEWKSBURY.

State alms-
house, high ser-
vice water tank.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four thousand dollars, for erecting a high service water tank for supplying the state almshouse at Tewksbury with water, and for the better protection of said almshouse against fire; the same to be expended under the direction of the state board of health, lunacy and charity.

Approved April 4, 1884.

Chap. 35 RESOLVE IN FAVOR OF JANE PARKS.

Annuity contin-
ued to Jane
Parks.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Jane Parks, of Cambridge, the sum of two hundred dollars annually, for the term of five years from the first day of January in the year eighteen hundred and eighty-four: *provided, however*, that the above named annuity shall cease at the death of the said Jane Parks, if the same should occur within the time specified in this resolve.

Approved April 4, 1884.

Chap. 36 RESOLVE IN FAVOR OF FRANCIS SHURTLEFF.

Allowance to
Francis Shurt-
leff, father of
George F.
Shurtleff.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two hundred and seventy dollars and thirteen cents, to Francis Shurtleff, of Taunton, father of George F. Shurtleff late of company B, fifty-eighth regiment Massachusetts volunteers, who has been missing eighteen years and is supposed to be dead, said sum being the balance of bounty and interest on the same due said George F. Shurtleff: *provided*, the said Francis Shurtleff shall give a bond with sufficient sureties in the penal sum of five hundred dollars, conditioned to save the Commonwealth harmless from any claim on the part of said George F. Shurtleff or of those claiming under him.

Approved April 4, 1884.

Proviso.

RESOLVE IN FAVOR OF AGNES S GOULDING.

Chap. 37

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Agnes S. Goulding, the sum of two hundred and six dollars and twenty-five cents, for performing, by direction of the governor, the duties of superintendent of the reformatory prison for women, devolved upon her as deputy superintendent during the vacancy in the office of superintendent from February eighth eighteen hundred and eighty-three to May first eighteen hundred and eighty-three.

Allowance to
Agnes S. Gould-
ing.

Approved April 4, 1884.

RESOLVE IN FAVOR OF THE STATE NORMAL SCHOOL AT BRIDGEWATER.

Chap. 38

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, for providing the state normal school at Bridgewater, with a piano and books of reference, and equipping a workshop at said institution.

State normal
school at
Bridgewater,
piano, books,
etc.

Approved April 10, 1884.

RESOLVE IN FAVOR OF THE STATE NORMAL SCHOOL AT FRAMINGHAM.

Chap. 39

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seven hundred and seventy-five dollars for repairs upon the school building and furniture for the boarding accommodations at the state normal school at Framingham; the same to be expended under the direction of the board of education.

State normal
school at Fram-
ingham, repairs
and furniture.

Approved April 11, 1884.

RESOLVE PROVIDING FOR THE PAYMENT OF THE EXPENSE ATTENDING THE ESTABLISHMENT OF A PORTION OF THE BOUNDARY LINE BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND THE STATE OF RHODE ISLAND.

Chap. 40

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of forty-six hundred and thirty-three dollars and ninety-two cents, for the purpose of paying the proportion of expense belonging to the Commonwealth of Massachusetts incurred in establishing the boundary line between the Commonwealth of Massachusetts and the State of Rhode Island, from the easterly line of the State of Connecticut to Burnt Swamp Corner, and setting up monuments on said line, and that said sum shall be payable to the order of Thomas G.

Expense attend-
ing the estab-
lishment of the
Rhode Island
boundary line.

Kent, chairman of the commissioners appointed to establish said line, by virtue of chapter twenty-seven of the resolves of eighteen hundred and eighty-one, and section two of chapter one hundred and fifty-four of the acts of eighteen hundred and eighty-three.

Approved April 11, 1884.

Chap. 41 RESOLVE IN FAVOR OF CERTAIN INHABITANTS OF THE TOWNS OF GAY HEAD AND CHILMARK.

Allowances to certain inhabitants of Gay Head and Chilmark.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two hundred dollars each to the following named persons, viz.:— Joseph Peters, Samuel J. Haskins, Samuel J. Anthony, James F. Cooper, Moses P. Cooper, John P. Vanderhoop, Leonard L. Vanderhoop, Thomas C. Jeffers, Patrick L. Devine, Charles Grimes and Peter Johnson, all of Gay Head, and to James T. Mosher, of Chilmark, in recognition of their perilous, effective and meritorious services in the lifeboat, whereby the lives of twenty persons were saved from the wreck of the steamer City of Columbus, lost off Gay Head on the morning of January eighteenth eighteen hundred and eighty-four.

Approved April 17, 1884.

Chap. 42 RESOLVE IN RELATION TO THE CARE, KEEPING AND REFORMATION OF PERSONS ARRESTED FOR OR CONVICTED OF DRUNKENNESS.

Board to report concerning a reformatory for drunkards.

Resolved, That the board of health, lunacy and charity be instructed to consider the expediency of establishing an institution for the care, keeping and reformation of persons arrested for or convicted of drunkenness, and report to the next general court.

Approved April 19, 1884.

Chap. 43 RESOLVE RELATIVE TO THE GRADUAL ABOLITION OF GRADE CROSSINGS IN CITIES AND THE POPULOUS PARTS OF TOWNS.

To report concerning abolition of grade crossings, etc.

Resolved, That the railroad commissioners examine and report to the next legislature upon the subject of providing for the gradual abolition of grade crossings in cities and the populous parts of towns.

Approved April 19, 1884.

Chap. 44 RESOLVE IN FAVOR OF HOWARD HOLLAND.

Howard Holland eligible to receive state aid.

Resolved, That Howard Holland, of Milford, Massachusetts, formerly a member of battery B, first regiment United States artillery, shall from and after March first

eighteen hundred and eighty-four, be eligible to receive state aid under the provisions, rules and regulations of chapter thirty of the Public Statutes, in the same manner and to the same extent that he would have been had he served to the credit of Massachusetts in the late war of the rebellion.

Approved April 19, 1884.

RESOLVE PROVIDING FOR THE COMPLETION OF THE LIST OF MASSACHUSETTS OFFICERS, SAILORS AND MARINES WHO SERVED IN THE NAVY IN THE LATE CIVIL WAR.

Chap. 45

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, for the purpose of completing the list of Massachusetts officers, sailors and marines who served in the navy to the credit of this Commonwealth in the late civil war, as authorized by chapter fifteen of the resolves of the year eighteen hundred and seventy-five, and chapter eight of the resolves of the year eighteen hundred and eighty; said amount to be in addition to the sum appropriated by chapter thirty-two of the acts of the present year.

List of men in the navy during the late war.

Approved April 19, 1884.

RESOLVE PROVIDING FOR THE PRINTING OF ADDITIONAL COPIES OF THE REPORT OF THE TRUSTEES OF THE AGRICULTURAL COLLEGE.

Chap. 46

Resolved, That there be printed three thousand copies of the annual report of the trustees of the Massachusetts agricultural college, one-half of which shall be distributed among the members of the legislature and the remainder to the officers and trustees of the college, the same to be in addition to the usual legislative edition.

Report of trustees of the agricultural college.

Approved April 28, 1884.

RESOLVE IN FAVOR OF THE HILLSIDE AGRICULTURAL SOCIETY.

Chap. 47

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two hundred dollars, to the Hillside agricultural society for bounty for the year eighteen hundred and eighty-two, the amount said society would have been entitled to had it been incorporated by an act of the legislature.

Hillside agricultural society.

Approved April 28, 1884.

Chap. 48 RESOLVE PROVIDING FOR PRINTING THE REPORT OF THE BOARD OF CONTROL OF THE MASSACHUSETTS AGRICULTURAL EXPERIMENTAL STATION AT AMHERST.

Report of board of control of the experimental station at Amherst.

Resolved, That there be printed eight thousand copies of the report of the board of control of the Massachusetts agricultural experimental station at Amherst, to be distributed as follows : — Five hundred copies to the secretary of the Commonwealth to be distributed, one each, to every city, town and incorporated library in the Commonwealth ; three thousand copies to the said board of control, and forty-five hundred copies for the use of the legislature.

Approved April 30, 1884.

Chap. 49 RESOLVE IN FAVOR OF ALICE S. HOLBROOK.

Alice S. Holbrook, daughter of James S. Holbrook, granted an annuity.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Alice S. Holbrook, of Duxbury, daughter of James S. Holbrook late of company E, twenty-ninth regiment Massachusetts volunteer militia, an annuity of seventy-two dollars, for the term of five years from the first day of January in the year eighteen hundred and eighty-four, payable in equal quarterly instalments.

Approved May 2, 1884.

Chap. 50 RESOLVE IN AID OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Allowances to the Massachusetts agricultural college.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-six thousand dollars, the same to be expended under the direction of the trustees of the Massachusetts agricultural college, for the following purposes, to wit : — Five thousand dollars for the completion of the dwelling house of the president of said college ; six thousand dollars for repairs and improvements on the north college and other buildings connected with said college ; and twenty-five thousand dollars for the erection and completion of a new brick or stone building, to be situated on the grounds of said college, and to be used for a cabinet of natural history collections, a chapel for lectures and religious services, and a library and a reading room. It shall not be lawful for said trustees to expend any portion of the money herein appropriated except in manner following, to wit : — The said trustees shall, upon due notice given, let to a responsible bidder or bidders furnishing sufficient guarantees for the fulfilment of the same, giving preference to the lowest bidder, in one or more contracts, all work

Buildings to be built by contract.

and materials not already contracted for, necessary for the erection and completion of all said buildings, according to plans and specifications to be furnished by said trustees, and the aggregate contract price, including existing contracts and expenses already incurred, shall not exceed thirty-eight thousand dollars; and it shall not be lawful for said trustees, in any event or manner, to expend or authorize the expenditure in the completion of said buildings of a sum exceeding in the aggregate the sum of thirty-six thousand dollars, hereby appropriated; and no money shall be paid from the treasury under the provisions of this resolve until copies of the contract or contracts for erecting and completing said buildings, as herein before required, have been filed in the office of the auditor of the Commonwealth, and then only in accordance with the terms of said contracts and upon the written certificate of a majority of the building committee of said trustees that the work has been performed and the money is due thereunder: *provided, however*, that the power of appointment of members of said Board of trustees, and the powers of removal defined in section one of chapter two hundred and twenty of the acts of eighteen hundred and sixty-three shall be hereafter exercised by the governor with the advice and consent of the council, instead of said board; and said board during the current year shall, by lot, divide the elected members thereof into seven classes of two members each, of whom one class shall vacate their office January first eighteen hundred and eighty-five, and one class on the first day of January in each year thereafter; and such action shall be certified by the board to the governor and council; and appointments to fill the vacancies so created shall be made for the term of seven years.

Limit of expenses.

Trustees appointed and removed by the governor and council.

Elected members to be divided into seven classes by lot.

Appointments to fill vacancies to be for term of seven years.

Approved May 8, 1884.

RESOLVE IN RELATION TO THE INDENTURE BETWEEN THE COMMONWEALTH AND THE BOSTON AND ROXBURY MILL CORPORATION, AND THE MORTGAGE OF SAID CORPORATION TO THE COMMONWEALTH.

Chap. 51

Resolved, That the harbor and land commissioners, subject to the approval of the governor and council, are hereby authorized to make and execute in the name and behalf of the Commonwealth, an agreement with the Boston and Roxbury mill corporation, by which such a construction shall be given to the second article of the indenture dated the ninth day of June in the year eighteen hundred

Construction given to an article of indenture between the Commonwealth and the Boston and Roxbury Mill corporation.

Mortgage to the Commonwealth modified.

and fifty-four made by and between the Commonwealth and said corporation, that the space inclosed or to be inclosed by the sea wall mentioned in said article, excepting the streets and avenues in such space, shall be deemed filled to the height of the mill dam within the meaning of said article, when filled to the height of grade thirteen, and that such streets and avenues shall be deemed so filled, when filled to a grade satisfactory to said harbor and land commissioners or their successors in office or authority, but not less than grade fourteen; and the mortgage of said corporation to the Commonwealth, of the same date as said indenture, shall be so modified that the treasurer and receiver-general shall, subject in other respects to the provisions of said mortgage, release and convey to said corporation portions of the land included in said mortgage, in advance of contracts to sell and convey, instead of releasing and conveying to purchasers with whom said corporation has contracted to sell and convey as provided in said mortgage: *provided, however*, that nothing in said agreement shall affect the obligation of the Commonwealth to release to purchasers in the manner in said mortgage provided, any portions of said land not released to said corporation as aforesaid.

Approved May 8, 1884.

Proviso.

Chap. 52 RESOLVE IN FAVOR OF THE STATE NORMAL SCHOOL AT WORCESTER.

State normal school at Worcester.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one thousand dollars for the purpose of fencing and grading the grounds of the state normal school at Worcester.

Approved May 13, 1884.

Chap. 53 RESOLVE AUTHORIZING THE TREASURER TO RETURN CERTAIN BONDS TO CLARA BARTON.

Treasurer to return certain bonds to Clara Barton.

Resolved, That the treasurer and receiver-general be and he hereby is authorized to deliver to Clara Barton, at her request and upon her written receipt, certain bonds, viz. :—Ten first mortgage bonds of the Cedar Rapids and Missouri river railroad company of the State of Iowa, for one thousand dollars each, dated May first A.D. eighteen hundred and sixty-six, and payable May first nineteen hundred and sixteen, numbered seventy-seven to eighty-six inclusive, with the unpaid coupons attached; said bonds having been deposited by her with the treasurer of the Commonwealth on the thirteenth day of September in the

year eighteen hundred and eighty-three, in conformity with the stipulations of a bond given by her to the Commonwealth on said thirteenth day of September, conditioned for the faithful performance of her duties as superintendent of the reformatory prison for women at Sherborn.

Approved May 16, 1884.

RESOLVE PROVIDING FOR THE CONSTRUCTION OF ADDITIONAL BUILDINGS FOR THE STATE WORKHOUSE AT BRIDGEWATER. *Chap. 54*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty thousand dollars, to be expended under the direction of the trustees and superintendent of the state workhouse at Bridgewater for the construction of additional buildings at said workhouse: *provided*, that no expenditure shall be made under this resolve until the plans for said buildings have been approved by the governor and council.

State workhouse at Bridgewater.

Approved May 20, 1884.

RESOLVE AUTHORIZING THE COLLECTION OF FORESTRY STATISTICS. *Chap. 55*

Resolved, That the chief of the bureau of statistics of labor is hereby directed to incorporate in the blanks for taking the next decennial census such inquiries as shall determine as far as practicable the acreage of the woodland in the Commonwealth over thirty years' growth, the average age at which the forests of the Commonwealth are now cut off, and such other inquiries as may be practicable fully to determine the facts as to the cultivation, protection and depletion of the forests throughout the Commonwealth.

Forestry statistics to be gathered with the taking of the census.

Approved May 24, 1884.

RESOLVE CONCERNING THE PRINTING OF THE PROVINCIAL LAWS. *Chap. 56*

Resolved, That the provisions of chapter eighty-seven of the resolves of the year eighteen hundred and sixty-seven be extended to embrace all the acts, laws, resolves and orders of the province or colony and state of Massachusetts Bay, from the seventeenth day of June in the year seventeen hundred and seventy-four to the time of the adoption of the constitution of the Commonwealth, and that the same be printed and distributed as provided in said chapter eighty-seven. *Approved May 27, 1884.*

Provincial laws.

Chap. 57

State prison at Concord, disposal of sewage, completion of dwelling houses.

RESOLVE IN FAVOR OF THE STATE PRISON AT CONCORD.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-eight hundred dollars, to be expended under the direction of the commissioners of prisons, at the state prison at Concord, for the following purposes, to wit:—Two thousand dollars for the disposal of the sewage under the provisions of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and eighty-three; and eighteen hundred dollars for the completion of dwelling houses under the provisions of chapter forty-three of the resolves of the year eighteen hundred and eighty-three, said sums to be in addition to the sums heretofore appropriated.

Approved May 27, 1884.

Chap. 58

Conservation and improvement of the Connecticut River.

RESOLVE IN RELATION TO THE CONSERVATION OF THE CONNECTICUT RIVER.

Resolved, That the board of harbor and land commissioners is hereby authorized and directed to examine the channel and course of the Connecticut River, within the confines of this Commonwealth, and investigate the cause and effects of floods upon the same, and report to the next general court, the necessity or expediency of any legislation for the preservation and improvement of said river, and the promotion of all interests connected therewith; the total expenses under this resolve shall not exceed the sum of one thousand dollars.

Approved May 27, 1884.

Chap. 59

Occupation of railroad locations by more than one telegraphic, etc., company, to be investigated by railroad commissioners.

RESOLVE RELATIVE TO THE OCCUPATION OF RAILROAD LOCATIONS BY COMPANIES ORGANIZED FOR THE PURPOSE OF TRANSMITTING INTELLIGENCE BY ELECTRICITY.

Resolved, That the board of railroad commissioners is hereby instructed to investigate the subject of the occupation of railroad locations by more than one company organized for the purpose of transmitting intelligence by electricity, including the necessity for and propriety of such occupation, the terms and conditions under which the same may be properly and safely permitted, the character and nature of the structures to be used, the regulation of their construction, repair, maintenance and operation, and to report to the next general court the result of their investigations, with such recommendations and suggestions as they may desire to make.

Approved May 27, 1884.

RESOLVE RELATING TO THE RECORDS, FILES, PAPERS AND DOCUMENTS IN THE STATE DEPARTMENT. *Chap. 60*

Resolved, That the governor, with the advice and consent of the council, appoint five suitable persons, one of whom shall be the secretary of the Commonwealth, who shall be commissioners without pay to investigate the condition of the records, files, papers and documents in the state department. Said commissioners shall make a report in print to the next general court setting forth what steps, if any, should be taken to render the contents of said records, files, papers and documents more accessible for examination and inspection, how reference to the same may be best facilitated, and what is the proper mode of indexing them.

Records and files in the state department.

Approved May 27, 1884.

RESOLVE CONCERNING THE DISTRIBUTION BY THE BOSTON AND ALBANY RAILROAD COMPANY AMONG ITS STOCKHOLDERS OF CERTAIN OF THE SHARES OF ITS STOCK RECEIVED FROM THE COMMONWEALTH. *Chap. 61*

Resolved, That the attorney-general be and he hereby is directed to institute appropriate legal proceedings in the name of the Commonwealth in the supreme judicial court against the Boston and Albany railroad company and such other parties as may be necessary to annul and render void the distribution among its stockholders of certain of the shares of the stock of said company received from the Commonwealth under the provisions of chapter one hundred and twenty-one of the acts of the year eighteen hundred and eighty-two, and to render void and of no effect the certificates of stock issued by said company whereby such distribution was effected, and such as shall be necessary to the due enforcement of the laws and protection of the rights of the Commonwealth and of the public, and said court may administer such remedies as are suitable and proper; and the attorney-general is further directed to cause such further action respecting said matter to be taken in the courts of the Commonwealth as shall seem to him advisable and the public interests may require.

Attorney-general to institute proceedings against the Boston and Albany railroad company concerning distribution of stock received from the state.

Approved May 28, 1884.

RESOLVE PROVIDING FOR THE PRINTING OF EXTRA COPIES OF THE THIRTY-FIRST ANNUAL REPORT OF THE SECRETARY OF THE MASSACHUSETTS BOARD OF AGRICULTURE. *Chap. 62*

Resolved, That there be printed three thousand addi-

Extra copies of

report to be
printed.

tional copies of the “thirty-first annual report of the secretary of the Massachusetts board of agriculture” for the use of members, to be distributed as follows:—ten copies to each member of the legislature, and the residue under the direction of the clerks of the two branches.

Approved May 28, 1884.

Chap. 63 RESOLVE FOR THE APPOINTMENT OF A COMMISSION TO CONSIDER A GENERAL SYSTEM OF DRAINAGE FOR THE VALLEYS OF THE MYSTIC, BLACKSTONE AND CHARLES RIVERS, AND CERTAIN OTHER PORTIONS OF THE COMMONWEALTH.

Commission to
report a system
of drainage for
valleys of
Mystic and
other rivers, etc.

Resolved, That the governor, with the advice and consent of the council, be authorized to appoint a commission of five persons, no two of whom shall be residents of one municipality, for the purpose of considering and reporting a general system of drainage for the relief of the valleys of the Mystic, Blackstone and Charles rivers, and for the protection of the public water supplies of the cities and towns situated within the basins of said rivers. Said commission shall have power to employ such engineering and other assistance as may be necessary for carrying out the objects of this resolve. The commission shall consider the various methods of disposal of sewage and the application of such methods to any portion of the territory herein mentioned, and shall report its conclusions in print to the legislature of the year eighteen hundred and eighty-six, or to that of the year eighteen hundred and eighty-five, if practicable, for a portion or the whole of said territory; and may consider and report upon the needs of any other portion of the Commonwealth as to the disposal of sewage and the protection of the public water supplies therein. Said commission shall include in its report suitable maps and plans of the territory to be drained, an estimate of the cost of the work and a recommendation as to the methods of apportioning said cost. The commissioners shall receive such compensation for their services as the governor and council may determine, provided that the whole amount expended under the provisions of this resolve shall not exceed twenty thousand dollars; and the term of office of said commissioners shall not extend beyond the thirty-first day of January in the year eighteen hundred and eighty-six.

Expenses of
commission.

Approved May 28, 1884.

RESOLVE TENDERING THE THANKS OF THE COMMONWEALTH TO MR. *Chap. 64*
JAMES WORMLEY, OF WASHINGTON, D. C., FOR HIS GIFT OF A
PORTRAIT OF CHARLES SUMNER.

Resolved, That the Commonwealth of Massachusetts thanks Mr. James Wormley for his generous gift of a portrait of the Hon. Charles Sumner, which has been placed in the state library to be preserved as the property of the Commonwealth. *Approved May 28, 1884.*

James
Wormley
thanked for gift
of a portrait of
Charles
Sumner.

RESOLVE IN RELATION TO PUBLIC RECORDS OF PARISHES, TOWNS *Chap. 65*
AND COUNTIES

Resolved, That the governor and council are authorized to appoint a suitable person, who shall serve without compensation, to report to the next legislature upon the condition of all the public records of the parishes, towns and counties of this Commonwealth; said report to be in a form convenient for printing. *Approved May 28, 1884.*

Records of par-
ishes, towns,
etc.

RESOLVE IN RELATION TO A SETTLEMENT OF THE CLAIM OF THE *Chap. 66*
COMMONWEALTH AGAINST GEORGE W. CRAM.

Resolved, That the state treasurer with the advice of the attorney-general be authorized to make such settlement or disposition of the claim made by the Commonwealth against George W. Cram, late surveyor-general of lumber, by compromise or otherwise, as he may deem expedient. *Approved May 28, 1884.*

Claim against
George W.
Cram, may be
settled by the
treasurer.

RESOLVE RELATING TO THE TROY AND GREENFIELD RAILROAD AND *Chap. 67*
HOOSAC TUNNEL.

Resolved, That the governor and council be and they are hereby requested to consider the relation of the Commonwealth to the Troy and Greenfield Railroad and Hoosac Tunnel, and to report to the next session of the legislature such recommendations and suggestions concerning the future management or disposition thereof as they may deem expedient. *Approved May 29, 1884.*

Troy and
Greenfield Rail-
road and Hoosac
Tunnel.

RESOLVE IN FAVOR OF MARY GOING, OF BOSTON.

Chap. 68

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Mary Going, of Boston, two hundred and forty-eight dollars and fifty cents; the said amount being in full payment of all losses sustained by the said Mary Going by the taking of the Way estate by the Commonwealth. *Approved May 29, 1884.*

Allowance to
Mary Going.

Chap. 69 RESOLVE PROVIDING FOR FIRE ESCAPES AT THE STATE NORMAL SCHOOL AT BRIDGEWATER.

State normal school at Bridgewater.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eight hundred dollars, for the purpose of providing suitable and efficient fire escapes at the boarding house of the state normal school at Bridgewater, the same to be expended under the direction of the state board of education.

Approved June 2, 1884.

Chap. 70 RESOLVE IN RELATION TO THE PURCHASE OF UNDIVIDED PORTIONS OF FLATS AT SOUTH BOSTON OWNED IN PART BY THE COMMONWEALTH.

Flats at South Boston may be purchased.

Resolved, That the harbor and land commissioners are authorized to purchase certain undivided interests in the lands and flats lying near the northerly shore of South Boston, between B Street and E Street extended, at an expense not exceeding seven thousand five hundred dollars, in accordance with the provisions of chapter four hundred and forty-six of the acts of the year eighteen hundred and sixty-nine; and the said sum is hereby appropriated to be paid out of the Commonwealth's flats improvement fund for that purpose.

Approved June 2, 1884.

Chap. 71 RESOLVE RELATING TO THE CONTRACT WITH THE WARING HAT MANUFACTURING COMPANY.

Warden to terminate contract with the Waring hat manufacturing company.

Resolved, That the warden of the state prison is hereby directed, on or before the first day of November next, to terminate the contract made by him with the Waring hat manufacturing company on May fourth in the year eighteen hundred and eighty-three, for the employment of convicts in said prison and to notify said company forthwith in accordance with the provisions of said contract of his intention to terminate the same.

Approved June 2, 1884.

Chap. 72 RESOLVE TO PROVIDE FOR A TOPOGRAPHICAL SURVEY AND MAP OF THE COMMONWEALTH.

Topographical survey and map of the Commonwealth.

Resolved, That the governor with the advice and consent of the council, be and is hereby authorized to appoint a commission to consist of three citizens of the Commonwealth, qualified by education and experience in topographical science, to confer with the director or

representative of the United States geological survey and to accept its co-operation with this Commonwealth in the preparation and completion of a contour topographical survey and map of this Commonwealth hereby authorized to be made. Said commission shall serve without pay, but all their necessary expenses shall be approved by the governor and council, and paid out of the treasury. This commission shall have power to arrange with the director or representative of the United States geological survey concerning this survey and map, its scale, method of execution, form and all details of the work in behalf of the Commonwealth, and may accept or reject the plans of the work presented by the United States geological survey. Said commission may expend in the prosecution of this work a sum equal to that which shall be expended therein by the United States geological survey, but not exceeding ten thousand dollars during the year ending on the first day of June eighteen hundred and eighty-five, and not to exceed the sum of fifteen thousand dollars in any one year thereafter, and the total cost to the Commonwealth of the survey shall not exceed forty thousand dollars.

Expense of the work.

Approved June 2, 1884.

RESOLVE IN FAVOR OF THE WIDOW OF THE LATE LEWIS GAUL.

Chap. 73

Resolved, That there be allowed and paid to the widow of the late Lewis Gaul, the sum of four hundred and eighty-one dollars, for the salary to which he would have been entitled had he lived to the end of the present year.

Allowance to widow of Lewis Gaul.

Approved June 3, 1884.

RESOLVE CONCERNING THE PRINTING OF LAWS RELATING TO ELECTIONS.

Chap. 74

Resolved, That the secretary of the Commonwealth shall cause to be prepared a pamphlet containing the acts passed at the present session, relating to elections, together with the provisions of the Public Statutes and other laws now in force relating to elections, with proper notes and references and a complete index in such form as may be convenient for preservation and use in the several cities and towns of the Commonwealth; and that he transmit six copies thereof to the clerk of every town and five times as many copies to the clerk of every city as there are wards in such city; and also one copy to each member of the present legislature and one copy to each city and town.

Laws relating to elections to be printed and distributed.

Approved June 3, 1884.

Chap. 75 RESOLVE CONFIRMING THE ACTS OF MILTON B. WHITNEY AS A JUSTICE OF THE PEACE AND AS A JUSTICE OF THE PEACE AND OF THE QUORUM.

Acts done by Milton B. Whitney as justice of the peace, confirmed.

Resolved, That all the acts done by Milton B. Whitney as a justice of the peace within and for the county of Hampden since the twenty-fifth day of March in the year eighteen hundred and eighty-one, and all the acts done by said Whitney as a justice of the peace and of the quorum for all the counties since the first day of January in the year eighteen hundred and eighty-two are hereby made valid and confirmed to the same extent as though he had been during said times qualified to discharge the duties of said offices.

Approved June 3, 1884.

Chap. 76 RESOLVE CONCERNING THE STATE WORKHOUSE.

Inmates at Westborough to be transferred to state workhouse at Bridgewater.

Resolved, That the governor is hereby authorized at such time as he may deem expedient during the present year, to remove from the buildings now used as a state workhouse at Westborough to the buildings of the state workhouse at Bridgewater all persons sentenced to said workhouse and held therein under the authority of chapter two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-three, and after the thirty-first of December next the buildings at Bridgewater shall be the only place of confinement for all inmates of the state workhouse; and chapter two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-three shall thereafter be no longer in force.

Approved June 3, 1884.

Chap. 77 RESOLVE IN FAVOR OF THE CAMPELLO COÖPERATIVE BANK OF BROCKTON.

Allowance to Campello Coöperative Bank at Brockton.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Campello Coöperative Bank of Brockton, two hundred and six dollars and twenty-nine cents, the same being the amount of taxes overpaid by said bank in the years eighteen hundred and eighty-two and eighteen hundred and eighty-three on account of their neglect to make proper returns.

Approved June 3, 1884.

Chap. 78 RESOLVE PROVIDING FOR REPAIRS AND IMPROVEMENTS IN THE STATE HOUSE AND AT THE COMMONWEALTH BUILDING

Repairs in state house and at Commonwealth building.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding sixteen

thousand three hundred dollars for the following purposes, to wit : — Fifteen thousand two hundred dollars for certain repairs and improvements in the State House, including the purchase of a new engine, and eleven hundred dollars for the purchase of fire extinguishers, awnings, and improvement of the grounds at the Commonwealth building, said sums to be expended under the direction of the commissioners on the state house.

Approved June 4, 1884.

RESOLVE IN FAVOR OF THE CHILD OF THE LATE JOHN DOHERTY. *Chap. 79*

Resolved, That there be allowed and paid out of the treasury to the child of the late John Doherty, member elect from the seventh Suffolk representative district, the amount to which said Doherty would have been entitled had he served as a member to the end of the present session.

Allowance to
the child of
John Doherty.

Approved June 4, 1884.

RESOLVE IN FAVOR OF THE BROTHERS OF THE LATE JAMES WILLIAM FINAN. *Chap. 80*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the brothers of the late James William Finan, page of the house of representatives, the sum of three hundred and twelve dollars, being the amount said Finan would have been entitled to had he lived to the end of the present session.

Allowance to
brothers of
James William
Finan.

Approved June 4, 1884.

RESOLVE CONFIRMING THE ACTS OF JEROME H. FISKE AS A JUSTICE OF THE PEACE. *Chap. 81*

Resolved, That all acts done by Jerome H. Fiske as a justice of the peace, between the thirtieth day of January and the second day of June in the year eighteen hundred and eighty-four, are hereby confirmed and made valid to the same extent as though he had been qualified during that time to discharge the duties of a justice of the peace.

Acts done by
Jerome H.
Fiske as a jus-
tice of the peace,
confirmed.

Approved June 4, 1884.

PROPOSED AMENDMENT TO THE CONSTITUTION.

Article of amendment to the constitution proposed.

The following proposed Article of Amendment to the Constitution of this Commonwealth has been officially certified and deposited in the Secretary's Department, as required by chapter 2, sect. 32 of the Public Statutes, and if agreed to by the General Court next to be chosen, in the manner provided by the Constitution, must be submitted to the people for their ratification or rejection : —

RESOLVE TO AMEND THE CONSTITUTION SO AS TO PROVIDE FOR
PRECINCT VOTING IN TOWNS.

Resolved, By both Houses, that it is expedient to alter the Constitution of this Commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the Senators and two-thirds of the members of the House of Representatives present and voting thereon, be entered on the journals of both houses, with the yeas and nays taken thereon, and referred to the General Court next to be chosen; and that the said article be published, to the end that if agreed to in the manner provided by the Constitution, by the General Court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the Constitution of the Commonwealth.

ARTICLE OF AMENDMENT.

To provide more than one place of meeting in towns for election of officers under the Constitution.

The General Court shall have full power and authority to provide for the inhabitants of the towns in this Commonwealth more than one place of public meeting within the limits of each town for the election of officers under

the Constitution, and to prescribe the manner of calling, holding and conducting such meetings.

All the provisions of the existing Constitution inconsistent with the provisions herein contained are hereby annulled.

SENATE, May 28, 1884.

The foregoing Article of Amendment is agreed to, a majority of the Senators present and voting thereon having voted in the affirmative; and the same is referred to the General Court next to be chosen.

GEO. A. BRUCE, *President*.

HOUSE OF REPRESENTATIVES, May 29, 1884.

The foregoing Article of Amendment is agreed to, two-thirds of the members of the House of Representatives present and voting thereon having voted in the affirmative; and the same is referred in concurrence to the General Court next to be chosen.

GEO. A. MARDEN, *Speaker*.

RESOLUTIONS.

RESOLUTION TENDERING THE THANKS OF THE GENERAL COURT TO
PEOPLE OF GAY HEAD, TO THE OFFICERS AND MEN OF THE
UNITED STATES REVENUE STEAMER SAMUEL DEXTER, AND TO
OTHERS.

Disaster to the
steamship City
of Columbus.

Whereas, In the late disaster to the steamship City of Columbus, conspicuous heroism was exhibited by those who came to the rescue of passengers and crew, many of whom were citizens of this Commonwealth ;

Thanks of the
General Court
for saving lives.

Therefore be it Resolved, That the thanks of the Senate and House of Representatives in General Court assembled be and hereby are tendered to the following persons who manned the life boat and by whose brave exertions twenty persons were rescued, to wit : Joseph Peters, Samuel J. Haskins, Samuel J. Anthony, James F. Cooper, Moses P. Cooper, John P. Vanderhoop, Leonard L. Vanderhoop, Thomas C. Jeffers, Patrick L. Devine, Charles Grimes and Peter Johnson of Gay Head, and James T. Mosher of Chilmark ; to the officers and men of the United States revenue steamer Samuel Dexter, commanded by Captain Eric Gabrielsen, under whose skilful direction, seconded by the efforts of First Lieutenant Warrenton D. Roath, Second Lieutenant John U. Rhodes, whose signal gallantry is worthy of the highest praise, Third Lieutenant Charles D. Kennedy, and by the intelligent conduct of Chief Engineer Andrew L. Harrison, First Assistant Engineer Abram F. Rockefeller, Second Assistant Engineer Charles W. Beckwith, and Pilot Joseph Case, nine persons were rescued, and the lives of those taken to the Samuel Dexter by the

Gay Head life boat preserved; to those persons who manned the Squibnoeket life boat, to wit: Edy C. Flanders, Benjamin F. Mayhew, Edward Elliot Mayhew, William S. Mayhew, Cyrus C. Look and Seth F. Walker, all of Chilmark; to Henry H. Jeffers, Raymond B. Madison, Thomas E. Manning, Charles Stevens, Simon J. Devine and John O. Anthony, of Gay Head, for daring and intrepid efforts to reach the floating life raft, on which were four persons; to Captain D. G. McRitchie of the United States steamer Speedwell, and Hiram Luce of Tisbury, a volunteer pilot on said steamer, by whose prompt exertions one life was saved; and to the women of Gay Head, and others, whose humanity and tender care alleviated the sufferings of the survivors.

The Secretary of the Commonwealth is directed to forward an engrossed copy of this resolution to each person named herein.

In Senate, adopted, Feb. 19, 1884.

In House of Representatives, adopted in concurrence, March 4, 1884.

RESOLUTION RELATING TO THE REPEAL OF SO MUCH OF THE INTERNAL REVENUE LAW OF THE UNITED STATES AS AUTHORIZES THE MANUFACTURE OF VINEGAR FROM ALCOHOL WHICH HAS PAID NO REVENUE TAX.

Whereas, The business of the citizens of the State of Massachusetts engaged in agricultural pursuits has been injured by the operation of the United States revenue laws permitting the manufacture of vinegar from alcohol which has paid no internal revenue tax; and

Manufacture of vinegar from alcohol which has paid no internal revenue tax.

Whereas, The operation of said internal revenue law gives opportunity to evade the tax on alcohol made and sold as such; therefore

Resolved, By the Senate and House of Representatives of the Commonwealth of Massachusetts, that our senators and representatives be and hereby are requested to use all honorable means in their power to procure the repeal of so much of the amendment to the United States revenue laws, contained in section five, chapter one hundred and twenty-five of general laws, passed by the 45th Congress at the third session in the year eighteen hundred and seventy-nine, as authorizes the manufacture of vinegar from alcohol that has paid no internal revenue tax.

Resolved, That the Governor of the Commonwealth be requested to forward copies of the foregoing preamble and resolution to our senators and representatives in Congress.

In Senate, adopted, Feb. 26, 1884.

In House of Representatives, adopted in concurrence, Feb. 29, 1884.

RESOLUTION RELATING TO THE REVENUE MARINE SERVICE OF THE UNITED STATES.

Revenue marine
service of the
United States.

Resolved, That the Legislature of Massachusetts is fully impressed with the importance of the Revenue Marine and the efficient and valuable service it has rendered to the government and to the ocean, lake and river commerce of the country, as well as in saving the lives and property of hundreds of those engaged therein; and

Resolved, That as there is no provision of law whereby those who may become disabled by age, injuries or other cause in said service, may be retired, as is the case in the naval and military service of the government, which in the judgment of this Legislature should be remedied; therefore

Resolved, That it is the sense of the Legislature of this Commonwealth that the bill (H. R. 4,483) now before Congress, entitled "A Bill to promote the efficiency of the Revenue Marine Service," is one which commends itself to us as a wise and just measure, and one which we would be glad to see the Senators and Representatives from the State support.

Resolved, That a copy of the foregoing resolutions be forwarded to the Senators and Representatives in Congress from Massachusetts.

In House of Representatives, adopted, March 27, 1884.

In Senate, adopted in concurrence, April 1, 1884.

RESOLUTION TENDERING THE THANKS OF THE GENERAL COURT TO KEEPER ISAAC G. FISHER AND CREW OF THE PEAKED HILL BAR LIFE SAVING STATION, PROVINCETOWN.

Thanks of the
General Court
for saving lives

Whereas, During the last week the schooners William H. Mailer and Robert L. Smith were wrecked upon Peaked Hill Bars, Provincetown; and *whereas*, in the rescue of the passengers and crew, marked bravery and heroism

were displayed by the keeper and crew of the Peaked Hill Bar Life Saving Station ;

Therefore, be it Resolved, That the thanks of the Senate and House of Representatives in General Court assembled be and hereby are tendered to keeper Isaac G. Fisher, and surfmen William W. Cook, James T. Fish, Samuel O. Fisher, Edwin A. Wheldon, Edwin F. Smith, Benjamin R. Kelley and Levi A. Kelley, who by their heroic exertions and at the imminent peril of their own lives rescued from a watery grave ten citizens of the United States.

In Senate, adopted, April 23, 1884.

In House of Representatives, adopted in concurrence, May 1, 1884.

RESOLUTION CONCERNING THE CAPE COD SHIP CANAL.

Resolved, That the Legislature of Massachusetts earnestly commends to the Congress of the United States, and especially to the Senators and Representatives of Massachusetts therein, the Cape Cod Ship Canal, now under process of construction, as a work of great public importance, commercially and otherwise, and as worthy co-operation and substantial assistance from the government of the United States.

Cape Cod Ship
Canal.

In Senate, adopted, June 4, 1884.

In House of Representatives, adopted in concurrence, June 4, 1884.

The General Court of 1884, during its annual session, passed three hundred and thirty-three Acts and eighty-one Resolves, which received the approval of His Excellency the Governor. In addition to these, the following Acts, passed by the General Court, were laid before the Governor for his approval, and returned by him to the branch in which they respectively originated, with his objections thereto; were reconsidered, agreeably to the provisions of the Constitution, and the vote being taken on passing the same, the objections of the Governor to the contrary notwithstanding, they were passed, two-thirds of the members present and voting thereon having voted in the affirmative:—

An Act providing for the compensation of Members of the Legislature. (Ch. 319.)

An Act authorizing the city of Boston to build a Pile Structure in Charles River. (Ch. 327.)

The following Act, passed by the General Court, was laid before the Governor for his approval, and returned by him to the branch in which it originated, with his objections thereto; was reconsidered agreeably to the provisions of the Constitution, and the vote being taken on passing the same, the objections of the Governor to the contrary notwithstanding, it was rejected, two-thirds of the members present and voting thereon not having voted in the affirmative.

An Act to supply the town of Watertown with water.

The General Court was prorogued on Wednesday, June 4, the session having occupied one hundred and fifty-five days.

INAUGURAL ADDRESS

OF

HIS EXCELLENCY GEORGE D. ROBINSON.

At half-past twelve o'clock on Thursday, the third day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two Houses, met the Senate and House of Representatives in Convention, and delivered the following

ADDRESS.

*Gentlemen of the Senate
and of the House of Representatives.*

Your attention is first invited to a brief statement of the financial affairs and condition of the Commonwealth. Upon the several officers in charge in the different departments I rely for the figures presented, so far as they pertain to matters in their charge; it is believed they will be found substantially correct when the accounts for the year have been closed.

THE PUBLIC DEBT.

There are no temporary loans to provide for, and there has been no increase of the funded debt during the year.

Funded debt Jan. 1, 1883,		\$32,511,680 90
It has been reduced by the following		
payments from the sinking funds,		
viz.: Coast Defence loan,	\$877,000 00	
Bounty Fund loan,	198,000 00	
	<hr/>	1,075,000 00
Funded debt Jan. 1, 1884,		\$31,436,680 90

Scrip to the amount of \$11,000 of the Coast Defence loan and of \$2,000 of the Bounty Fund loan, now outstanding, will be paid from the sinking funds, on presentation to the treasury department. No further instalment of the public debt will be due and payable until 1888.

SINKING FUNDS.

Amount Jan. 1, 1883,	\$16,944,263 05
Reduced by payment of Coast De- fence loan,	\$877,000
Reduced by payment of Bounty Fund loan,	198,000
	<hr/> 1,075,000 00
	<hr/> \$15,869,263 05
Amount of Sinking Fund Jan. 1, 1884,	16,836,180 55
	<hr/>
Increase,	\$966,917 50

COMPARATIVE RESULTS.

	1883.	1882.
Ordinary expenses,	\$1,715,613 20	\$1,702,929 56
Exceptional expenses,	5,182,844 01	5,058,184 34
	<hr/> \$6,898,457 21	<hr/> \$6,761,113 90
Deduct corporation and national bank taxes returned to cities and towns,	2,194,529 54	2,275,892 99
	<hr/>	<hr/>
Actual expenses so far as ascer- tained,	\$4,703,927 67	\$4,485,220 91

ESTIMATES.

	1884.	1883.
Payments for all purposes,	\$4,452,949 84	\$4,582,940 95
Receipts, including cash on hand,	4,291,083 37	4,494,362 82
	<hr/>	<hr/>
Deficit,	\$161,866 47	\$88,578 13

Of the appropriations made for public buildings in 1883, about \$90,000 are unexpended. The whole amount, it is expected, will be required to complete the work already begun, and the amount will appear in the expense tables for 1883, in the annual report of the auditor for 1884.

NEW YORK AND NEW ENGLAND RAILROAD.

Recent developments in the affairs of this road, and especially pending proceedings in the courts, indicate that legislation may be necessary to secure the efficient protection of the large interest which the Sinking Fund of the Commonwealth still holds in its securities.

TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

The contracts under which this property is operated run till Oct. 1, 1887. From the manager I have obtained facts and statements in anticipation of his annual report, which will soon come to you, and which will have that attention due to the importance of the subject.

Total income to the State for the year ending Sept. 30,	
1883,	\$298,887 83
Operating expenses same period,	168,514 68
	<hr/>
Net earnings,	\$130,373 15

No account is taken in this connection of the Southern Vermont Railroad, which is under lease for a fixed rental of \$12,000 yearly.

Expended by manager in construction, same period,	\$285,615 29
Balance on hand Sept. 30, 1883, unexpended,	142,957 95

Of the double track ordered by the Legislature, and continued under several appropriations, $35\frac{53}{100}$ miles have been completed and are now in actual use. The grading on the remainder is well advanced, and it is expected that the road-bed will be ready for the new track early in the coming summer. No considerable expenditure has been required in the tunnel during the year. The road-bed, track, bridges, stations and other buildings are reported in good repair. The manager's estimate of the necessary operating expenses for the year ending Sept. 30, 1884, is \$182,900.

In the opinion of the manager, the sum of \$65,878.05 is needed, in addition to appropriations already made, to meet outlay necessary to be made, the details of which he will present to you, and he recommends that the manager, under the direction of the Governor and Council, be

authorized to use the earnings of the road, to the extent of \$66,000, for completing the double track.

The treasurer of the Commonwealth furnishes the following memorandum:—

MEMORANDUM AS TO TROY AND GREENFIELD RAILROAD AND
HOOSAC TUNNEL LOAN.

Amount of Funded Indebtedness on this Account.

Due.		
1888—April 1,		\$2,968,565 00
Oct. 1,		109,496 25
1889—July 1,		2,011,324 45
Oct. 1,		142,588 45
1890—April 1,		200,000 00
Oct. 1,		305,129 55
1891—April 1,		216,500 00
July 1,		3,618,242 75
1893—April 1,		200,000 00
July 1,		400,000 00
Oct. 1,		465,000 00
1894—April 1,		85,000 00
July 1,		300,000 00
1895—Jan. 1,		1,506,181 75
July 1,		1,300,000 00
1897—Sept. 1,		370,000 00
		<hr/>
		\$14,198,028 20

Average due-date, 7 years, 7 months, 2 days from Jan. 1, 1884,
Aug. 3, 1891.

Sinking fund needed Jan. 1, 1884,	\$10,569,880 60
On hand, Jan. 1, 1884,	5,985,284 29
<hr/>	
Deficiency,	\$4,584,596 31

It must be apparent that no probable increase of net earnings will meet this deficiency, and therefore I submit to you whether it is not wise to enter upon the accumulation of the sinking funds, or in some other practicable way to provide to meet the whole debt at its maturity, avoiding, however, a sacrifice of the State's property, and holding secure all benefits to the Commonwealth and its inhabitants, guaranteed by the great investments already made. The present fund, with its accumulations, will be sufficient to pay the instalments of debt maturing up to and including April 1, 1891, and there will be \$827,508.47 toward the instalment due July 1, 1891.

If an annual appropriation be made till the average due-date (1891), it will require each year \$668,691.48 above

the present sinking fund and its accumulations. The computations are based on a four per cent. income, payable semi-annually, which is as high as present indications make probable. Postponement of action upon this question will not only increase the yearly burden, but jeopardize the interests of the state before a clamorous demand for realization on the property on any terms.

CLAIMS AGAINST THE UNITED STATES.

Pursuant to a resolve of the last Legislature, Theodore E. Davis, of Washington, D. C., has been appointed to examine and prosecute, before any of the executive departments of the United States government, certain specified accounts and claims of the Commonwealth against the United States, excepting any claim for reimbursement of interest paid by the State on its war loans. I am informed by Mr. Davis that he has already filed with the Secretary of the Treasury war claims, comprising many accounts, and including the "Coast Defence Claim," aggregating to the amount of upwards of four hundred thousand dollars, some portion of which it is expected will be allowed by the accounting officers of the United States, and be appropriated for by Congress during its current session.

VALUATION.

The Secretary of the Commonwealth will lay before you, at an early date, the annual abstract of polls, property, taxes, etc., as assessed May 1, 1883. An increase in the total valuation will appear to the amount of \$47,083,638, of which \$36,586,927 is in real estate, and the remainder in personal property. Polls, dwelling-houses and horses have increased, while cows and sheep have decreased.

Compared with twenty years ago the exhibit of improvement is the clearest refutation of the charge that Massachusetts is in the way of deterioration and decay.

	May 1. 1863.	May 1. 1883.
Number of polls,	275,758	498,828
Total valuation,	\$897,150,983	\$1,731,297,061
Number of horses,	89,228	149,289
" " cows,	158,905	169,879
" " dwelling-houses,	183,528	291,991

The gain in the population of the State during the same

period was about 45 per cent. From 1879 to 1883 the increase in valuation is upwards of two hundred million dollars, and the decline, which began in 1875, reached the lowest point in 1879, and since then the advance has been steady and sure, till the amount returned in 1873 is very nearly approached, and the financial condition is far sounder and healthier than then.

TAXATION.

The total tax for State, county, city and town purposes for 1883 was \$26,323,432, an amount greater than the total for any other year except 1874. It needs no argument to show that nearly the whole of this burden results from municipal action and not from assessment by the General Court. The State tax for 1883 was \$1,500,000. It is not material to my present purpose to consider the other sources of revenue that are drawn from to meet State expenses. Though the State tax in 1883 was half a million dollars less than in 1882, the increase in the total tax for all purposes was \$232,518, showing that the cities and towns laid taxes in the net amount of \$732,518 greater than in the year before. Seventeen cities and 181 towns increased, and four cities and 144 towns decreased their taxes. The highest rate was \$35, and the lowest, \$4, on a thousand.

So long as the people vote large appropriations in their city and town governments, whether prudently or otherwise, they need not complain of the consequent burden, or attribute their hardship to the extravagance of the Legislature or the inefficiency of the Executive. Let me not be misunderstood. I do not intimate that municipal appropriations were excessive, for I know well that many a town is taxing heavily to discharge its indebtedness, or for roads and bridges, or the support of the schools or relief of the poor. My aim is to fix the responsibility in the right place.

There are but two methods of protection and relief within your power; one, to limit the powers of cities and towns in making expenditure; the other, to devise effective measures to uncover concealed property, and thus increase the valuation. Exemptions from taxation give, of course, only special aid to the favored interest or property, and in fact impose a proportionately larger levy on the remainder. Assuming that the right to all present

municipal powers and privileges will be jealously asserted and maintained, I urge you to adopt such amendments to existing laws as shall render it impossible for any person or corporation to hide taxable assets from the assessors, or to evade the just share of public burdens.

So far as it shall be within your power to prevent unnecessary outlay, and to arrest extravagance and waste in State affairs, to that extent you will be responsible for a failure to accomplish retrenchment. For myself, I have no hesitation in assuring you and the people of the State that, whether in co-operation with you in the enactment of laws or in the administration of the government, no wastefulness shall be encouraged or knowingly permitted.

SAVINGS BANKS.

The statement to Oct. 1, 1883, is as follows:—

Number of banks,	. . . . .	168
Number of depositors,	. . . . .	812,955
Total of deposits,	. . . . .	\$252,607,593 02
Increase in number of depositors during the year,	. . . . .	40,437
Increase in total of deposits, during the year,	. . . . .	\$11,296,230 53

The condition of the banks is generally satisfactory. Owing to the gain in deposits, and to the scarcity of other authorized securities, many banks have largely increased their loans on personal security. In some banks loans have been made to the same principal and sureties to amounts exceeding twenty per cent. of the entire deposits. In one instance, severe embarrassment to the bank followed. It seems to me that a limitation, say five per cent. of the deposits, should be set to the loans on personal security to the same principal and sureties.

AMENDMENTS TO THE CONSTITUTION.

By reference from the last Legislature, you will be brought to consider a proposed amendment to the Constitution, providing for biennial elections of State officers, senators and representatives, and for biennial sessions of the General Court. This question has long engaged the earnest attention of the people, and it would seem to be wise to submit it to their judgment. The conviction is apparently growing that in regard to the elective officers of the State, the summons to the ballot-box comes too

frequently, and that the welfare of the Commonwealth does not require annual sessions of the Legislature "for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws." If the public good does not demand it, then so great an expenditure of time and money as is now incurred legitimately becomes a waste. The chief executive officers of the towns — selectmen, overseers of the poor, road commissioners, and school committee — may have under existing law a tenure of three years. County officers are elected to terms of three or five years. I am not aware that any complaint is made that by reason of such system and practice popular rights or security are endangered, or the people's trusts unfaithfully administered, or their moneys squandered.

Throughout the United States, only Massachusetts and Rhode Island choose all their chief State officers annually, eighteen once in two years, two once in three years, and sixteen once in four years. Thirty-two States have biennial sessions of the Legislature. A careful and extended inquiry into the working of the system which now so generally obtains throughout the country, demonstrates the popular approval. If the pending article shall become a part of the Constitution, our State elections will fall on the days appointed for the choice of electors of president and vice-president, and of representatives in Congress, and the greater importance of the interests involved will not fail to secure that general expression at the polls which is essential to the effectiveness and permanence of our institutions.

ELECTIONS.

Nothing is of more importance to a free commonwealth, to secure its integrity and permanence, than good election laws, and a wise and efficient regulation of the exercise of the elective franchise. The late election was unusually heated; party and personal feeling ran high; a surprisingly full vote was polled. The intensity of the contest revealed grave defects in the registration and election laws; they should be remedied without delay.

There is no adequate provision for compelling registering officers to perform their duties. They should be made liable to sure and heavy penalties if they refuse to give proper opportunities for registration, or if they wil-

fully or carelessly register persons having no right to the suffrage, or neglect to enforce thoroughly the legal and constitutional tests, including that of reading and writing. Instances of gross malfeasance in these respects have been reported to me, and probably may have come to the knowledge of some of you. In several of the cities and towns too many voters are compelled to vote at the same place, and in the same ballot-box. This requirement causes dissatisfaction and embarrassment, and endangers the honesty and correctness of the vote. When the registered list is so large that the incidental interruptions and delays, to say nothing of challenges and necessary investigations, will retard the progress of voting to that extent that legal voters are not able to reach the ballot-box during the time the polls can be kept open, a grievous wrong is permitted. Division into precincts will solve this difficulty.

These are some of the defects in our laws relating to elections. Undoubtedly there are others that will occur to you. I cannot urge too strongly the necessity of an immediate and searching revision of the statutes. Everything which thought and ingenuity can suggest to aid the honest voter, and to guard the ballot-box against fraud and error, should be at once embodied in our laws.

CIVIL SERVICE REFORM.

The State of Massachusetts has been honored by a civil administration, honest and economical. Her record is one of singular purity and efficiency. In fact, in the conduct of her affairs generally, business principles have been applied, and, as a rule, the offices filled by appointment have been regarded as high public trusts, not subject to the exigencies of party success. Good behavior, fidelity and fitness have secured almost unlimited tenure in the subordinate positions of the service. A statute that would secure and perpetuate all that our experience has demonstrated to be sound and successful policy, would be most wise. The national government stands committed to the destruction of the spoils system, and the State of New York has enacted a very comprehensive bill, intended to carry the reform into the departments of the government of the State and the large cities. So long as the present system in Massachusetts is adhered to, there is

always the threatening liability, both in the State and the cities, that a change in party control will force a radical disorganization of the whole body of appointable officers, so far as they may be within reach, and most serious detriment occur to the public interests. The time has come when the patronage of the State and the cities, and the expenditure of the public money, shall not be employed to accomplish or preserve party supremacy, and when fitness, not favor, shall determine appointment to, and continuance in, the service of the State or the city. The question is well understood. Public sentiment is intelligent and pronounced. You have only to agree upon a practicable and efficient act to remedy these evils, and my approval will speedily come.

MILITIA.

The entire strength of the militia allowed by the laws now in force is 334 officers and 4,436 enlisted men. In the service at the present time there are 305 officers and 3,587 enlisted men. The adjutant-general informs me that the total amount of appropriations controlled by the military department for the year 1883 is . \$160,200 00

Total expenditures (including all contracts to date, and a small amount estimated to cover bills to come in) is about . . . \$141,826 38

From the latter amount should be deducted the expenditures on account of war records, soldiers' messenger corps, etc., . . . 7,846 06

Leaving the actual expense, . . . \$133,980 32

Condemned military property has been sold to the amount of \$7,406.31, from which the sum of \$6,729.54 has been expended, under direction of the Governor and Council, for new buildings at the camp ground. These amounts do not enter into the statement already made.

There has been a reduction of incidental expenses during the past year, and the saving applied to increased supplies for troops, not raising the aggregate of all the expenditures.

A high degree of efficiency and military knowledge has been attained by the militia. Under special orders from the Adjutant-General of the United States army, an officer

of the United States visited the encampments of the State militia. His report of a recent date, giving in detail the results of his inspection, furnishes most encouraging approval.

In 1808, Congress appropriated \$200,000 to be divided among the States for the support of the militia, the portion falling to each to be drawn in kind from the ordnance department. This amount of appropriation has been made yearly and upon the same condition. For the year 1883, Massachusetts was allotted \$6,200 as her share. The importance of a well organized and thoroughly equipped and disciplined force in every State is universally recognized. The President, the Secretary of War and the Adjutant-General of the army have again and again advised an increase of the appropriation; it is hoped that Congress will heed the general demand and also enlarge the condition so as to allow requisition upon the quartermaster-general's department.

Instruction in heavy artillery practice has been given under the special assistance granted by Congress in the Act of 1882. It is hoped that further privileges may be secured from the United States in this department.

EDUCATION.

The annual report of the Board of Education will be soon laid before you. It will be entitled to your careful and intelligent consideration. No argument or demonstration is needed in support of the fact that the people of Massachusetts have not, in any degree, abated their interest in the cause of the education of the young. During the year 1883 there was raised by taxation, for all common school purposes, the sum of \$5,499,717.83. Add to this the income from funds and other sources, \$313,468.19, and you have a total of \$5,813,186.02. This sum supported 6,246 schools of the different grades, paying for the services of 9,235 teachers, and affording instruction to 335,872 pupils, whose percentage of attendance was 88.72. All the schools in the Commonwealth have been kept in operation the average time of eight months and nineteen days, the law requiring for all grades below the high school only six months. Thirty-seven cities and towns have supported evening schools, having 11,112 scholars.

The law makes it the duty of every town containing five

hundred families or householders to maintain a high school, to be kept ten months, at least, in each year, and any town not having the stated number of families may provide such a school. It is an interesting fact that seventy-five towns, under no obligation by statute, but availing themselves of the privilege, have maintained high schools during the last year. Ninety per cent. of our whole school population have the privileges of high school instruction. There can be no more satisfactory proof that the people at large throughout the Commonwealth, whether by their representatives in the General Court, or by their own votes in their municipal affairs, have an abiding confidence in a school system that supplies not only the means of acquiring the mere rudiments of learning, but, as well, the advantages of the higher and more advanced studies, as affording the best outfit for the responsibilities of citizenship. These public schools, of all grades, bring into absolute equality of opportunity all the children, with no regard to birth, rank, color or condition, and constitute the hope for the future well-being of the people.

In addition to the amount paid for public schools, as already stated, Massachusetts expended, in 1883, for the deaf and dumb, the blind, the idiotic, the children at the State Primary School, the boys at the Reform School, and the girls at the Industrial School, more than one hundred and eighty thousand dollars.

Now, has this investment in educational enterprises of upwards of six millions of dollars in one year paid an equivalent of benefit to the people who have taxed themselves to raise it? Reviewing the year's work, we may profitably consider results, not to encourage exultation, not to claim that no advance can be made, but to find the net balance of profit or loss. It is believed by those who have given attention to this subject—nay, it must be apparent to any observer—that, making just allowance for the great influx of ignorance poured into our population by immigration, the progress in the general education, wider intelligence and practical information among the whole people, has been constant and gratifying. Indeed, statistics or deductions therefrom, that seem to prove the failure of our school system, are sure to be discredited as erroneous or superficial.

Turning to the report of the United States Commissioner of Education on the relation of average attendance and

enrolment to school population in the States and Territories for 1880, you find that Massachusetts attains to 76 per cent. and takes the highest rank, and that no other State comes within 20 per cent. of that, except New Hampshire, which stands at sixty-nine per cent. Comparing the census of 1875 with that of 1880, it appears that while the population of the State increased from 1,651,912 to 1,783,085, all five classes of illiterates, to wit, those ten years of age and over who cannot read, those of the same age who cannot write, the native born, the foreign born, and the native-born illiterates born of Massachusetts parents, decreased in numbers ranging from 1,855 to 11,236. To the efficiency of the school system is the credit due for such results.

Out of the whole population of 1,783,085 in 1880, only *seven-tenths of one per cent.* were native-born illiterates, less than that of any other people in the world. The foreign-born illiterates made nineteen and six-tenths per cent. ; but four-fifths of the foreign-born illiterates were upwards of twenty-one years of age. It may be safe to assume that no one will hold the schools responsible for the ignorance of men and women born and reared in foreign countries, or who never crossed the threshold of a Massachusetts school-house.

The most promising field for improvement is in the small towns; they cannot make sufficient provision for the highest success; the large towns can. We need more thorough, intelligent supervision, especially in the small country towns. Whatever can be done to build up and strengthen these struggling communities will bless the State at large. More towns should avail themselves of the statute authority to employ a superintendent, if not alone, then in union with their neighbors. Apply this system generally, and the benefits will quickly appear in better teachers, improved methods of instruction, more satisfactory buildings and appliances, and an increased attendance of pupils. The objection will be to the necessary outlay, and I hope to meet it by suggesting the means of accomplishment.

One half of the yearly income of the School Fund, amounting to about \$69,000, is apportioned and distributed in accordance with law, as appears in the following statement :

Class 1.—158 towns,	valuation, one million or less, \$200 each,	\$31,600
“ 2.—123 “	valuation, more than one and not exceeding three millions, \$150 each, . . .	18,450
“ 3.— 26 “	valuation, more than three and not exceeding five millions, \$100 each, . . .	2,600
“ 4.— 19 “	pro rata, about, . . .	16,350
“ 5.— 20 “	and cities, receiving nothing.	

\$69,000

Consider the following scheme for distribution :

Class 1.— 85 towns	valuation, under half a million, \$300 each,	\$25,500
“ 2.— 73 “	valuation, under one million \$200 each,	14,600
“ 3.—123 “	valuation, between one and three millions, \$100 each, . . .	12,300
“ 4.— 45 “	valuation, between three and ten millions, pro rata, about, . . .	16,600
“ 5.— 20 “	and cities, over ten millions, nothing.	

\$69,000

Upon this plan, each of eighty-five towns that most need assistance will receive one hundred dollars more than now, while the amount deducted from the cities and wealthier towns should be to them scarcely appreciable. To your wise judgment I commit this subject.

AGRICULTURE.

The farmers of the State have had a fairly prosperous year. They are always hard pressed by outside competition. They are not obtrusive in their demands upon the Legislature; and I am confident you will readily grant them every practicable and just encouragement. Does any one reasonably claim that our legislation has been effective toward the agricultural interest, when the farmer is so vexed and damaged in his attempts to pursue sheep husbandry,—a very profitable industry in itself,—that he must abandon it? From 1882 to 1883 the number of sheep in the State decreased 2,620. Twenty years ago there were 150,922 sheep; now there are only 62,780. Under the license system a worthless cur enjoys practical immunity in the whole Commonwealth,—terrorizing the sheep owner, and causing destruction so serious that no possible benefit to public libraries or schools can excuse the tolerance the law gives him.

The subject of forestry is closely akin to that now under discussion. Forest fires cause losses of several thousand

acres yearly. The destruction is not merely to standing wood and timber, but to the fertility of the soil as well. Besides, woods and forests are the best protection and guaranty of our water supply, than which scarcely anything is more important to communities densely populated and largely engaged in manufactures. The springs and streams contribute abundantly to wealth, power and health. Water-courses are disappearing or greatly lessening in volume, and flowing with increasing irregularity. Whatever the State can do to arrest further destruction and loss will not be done too soon. A convention of delegates from all sections of the United States assembled at St. Paul in August last, and adopted resolutions which will be communicated to the Governors and Legislatures of all the States, urging united action toward the cultivation and preservation of forests. It is to be hoped that the New England States will join in some measures that shall be operative and efficient. Meantime, penalties for gross carelessness and wanton mischief causing damage, and for the lawless ranging and browsing of cattle, should be provided. I submit to you whether it would not be well to extend the tax exemption as now provided to lands devoted exclusively to the planting and culture of forests, under such restrictions and conditions as you may deem wise.

The Agricultural Experiment Station has received appropriations to the amount of \$11,750, and proves to be of great value and worthy of continued support.

I am assured by intelligent farmers and others conversant with the facts that the Agricultural College occupies a position of important and beneficial influence among the educational institutions of the State. To those students who have no taste for, or preparation in, classical training, it supplements the high schools, and affords instruction and discipline in all the advanced English branches, teaching the science of agriculture, but not exclusively, and promoting the liberal and practical education of the industrial classes. I commend to your favorable consideration all its reasonable needs, including the support of free scholarships.

LABOR.

Fair wages and regular employment have been the rule during the year just closed for those whose dependence is

on their manual labor. This is true of the occupations generally. The laboring classes, so called, are attaining every year to a higher stand of intelligence and thrift. Under the liberal provisions of the public schools, the laborer rejoices to see the pathway opened freely for his child to any place of honor, trust and power that his fitness may entitle him to fill. In Massachusetts the laws are intended to be equal and just to all, irrespective of social condition, and whenever wrong comes under legal authority upon any class of the people, amendment and relief should speedily follow. Hardship, trial and poverty still darken many a home, and the great problem of furnishing the individuals who compose the body politic "with the power of enjoying in safety and tranquillity their natural rights and the blessings of life" will never, in the nature of things, and with an ever-shifting population, be completely solved. Adventurers and visionaries may try to set labor and capital in bitter hostility, stir up bad blood among citizens, and divide all the people into envious and antagonistic classes; but they are only instigators of mischief, and the greatest enemies to those whom they profess to aid.

All the statutes relating to hours of labor, employment and schooling of children, intimidation of laborers, and kindred subjects should be strictly enforced. If they are not expressive of the judgment of the people, let their repeal come regularly; but so long as they form a part of our body of laws, the paramount duty is to execute them.

Since 1879, cities have been required, at intervals not exceeding seven days, to pay laborers who are employed by them at a rate not exceeding two dollars a day, if such payment is demanded. The condition might be made to work a nullification of the statute, but I am not aware of any instances. I beg leave to suggest to your candid consideration whether it is not wise to give the principle embodied in this law a wider application. Would it not be better for the laborer at mere living wages to have his pay weekly? The advantages are plain. Greater independence of action would result; the cash system would prevail, to the benefit of the seller as well as the buyer; exposure to the vexation and costs of collection suits would be substantially removed, and the lesson of economy be practically taught every day. Now, what are the objections? It is said that it is impracticable. But many of the largest

employers practise it regularly and satisfactorily. "The wage-workers will waste their earnings in frequent debaucheries;" but the every-day facts in all our communities, and the deposit accounts in the savings banks disprove that. "The payments could not be made weekly in the largest establishments;" but we know it is so made in many, and it is a fact that in the management of some of the most extensive enterprises in the Commonwealth the system has been adopted against the most vigorous protests, and demonstrated its feasibility and justice. The additional expense to the employer must be comparatively insignificant. "Why not leave this regulation to the will of the contracting parties?" It has been left there, and the evils and hardships are before us. It is, I submit, always wise and salutary to devise legislation of such a character as will reach the humblest and the poorest citizen, who has no voice but his own to present his needs,—no power in combination with others to emphasize his opinions.

Legislation of this character may be applied to corporations; they are the chief employers of labor. Though the subject is attended with difficulty, and its consideration may arouse prejudice and opposition, still I am confident that a statute of the character suggested will be promotive of the general good.

STATE AID.

The limitation of time upon the payment of State aid to cities and towns will be reached on the first day of January next. I advise an extension of the authority for such period as your judgment shall approve. Exceptional cases of hardship that are not relieved under the general provisions now in force, may be reached by special acts without extending the laws to cover other classes of applicants.

HEALTH, LUNACY AND CHARITY.

The Legislature of 1879 accomplished a thorough reorganization of the administration of the public charities,—abolishing some boards, consolidating others, and simplifying the whole system. Undoubtedly a considerable saving in the operation of the official machinery was effected. The board of health, lunacy and charity, as then and now constituted, consisting of nine persons, is given general supervision over the State lunatic hospitals, the State

almshouse, the State workhouse, the State primary school, the State reform school and the State industrial school. Other powers, ample and specific, are granted, enabling the board to hold substantial control over those institutions, and over other matters committed to it. The board also takes cognizance of the interests of health and life among the citizens of the Commonwealth, and acts as commissioners of lunacy. Surely no board in this State ever was entrusted with graver concerns and heavier responsibilities. I am sure that most faithful, disinterested and efficient service, without a dollar of compensation, has been rendered by the members of that board, and they are fairly entitled to the appreciation and gratitude of the citizens of the State, and, most of all, of the poor unfortunates whom the charities of Massachusetts support and save.

The consolidation effected in 1879 was not brought about without opposition from very wise and devoted persons, many of whom, if not all, still believe that no satisfactory work can be done until a separation is made, and there are three boards, or commissions, instead of one. There is an apparent incongruity in the present arrangement, it is true; but in many particulars the three branches are closely allied, and may be harmoniously and effectively worked together. It is not possible that each member on such a board can be an expert in all the matters before it. They must make investigations and reach results through sub-committees; and yet it is quite common in public affairs to manage important interests in just this way.

I have been urged to recommend to you an abolition of the board, and the creation of two or three in its stead. But after much reflection and extended inquiry, I must withhold that recommendation for the present. It is plain that the adoption of the suggested plan would necessitate payment of additional salaries and other outlay. Though there is much in the propositions that I approve, still I am persuaded that the people whose servants we are look with suspicion and disfavor upon the needless multiplication of boards, commissions and agencies, and approve the practice of the strictest economy in their behalf. My own inclination at present would be toward a still further reduction and simplification that would bring all our public institutions more directly under the supervision of one board; but my experience and observation in the management of

so great trusts will not, in my judgment, justify me in recommending radical and sweeping changes.

Let the work of the board be searchingly scrutinized, not only in its economical bearings, but as well in its response to the demands of humanity and justice. Political partisanship has no proper place in such an organization, or in the examination and estimate of its transactions. Whatever else we do, let us see to it that we keep politics out of the charities.

I am reinforced in the conclusion already stated, in the fact that unusual interest has been excited during the last year in the official acts of the board, and in the conduct and condition of the various institutions under its charge; and the report of the board, presenting their views and conclusions, will attract extraordinary attention. It is but justice that we consider it. Moreover, a joint special committee was created by your immediate predecessors to investigate several of the institutions; to consider plans and theories; to examine institutions in other States, and to present their findings and conclusions to you. Their report will undoubtedly give you valuable information and help.

I desire to suggest that I fear there may be a tendency to an unnecessarily large force of clerks, agents, assistants, superintendents and employés appointed by the board, under statute authority. May not the departments of the out-door poor and the in-door poor be united, saving the compensation of several persons, and in no degree impairing the efficiency of the service? If you agree with me, this retrenchment can be effected without difficulty. It is probable that other savings can be accomplished, and in that direction I shall turn my attention, and now invite yours.

I ask your attentive consideration to the several reports submitted by the boards of trustees. They speak from an abundant observation and experience.

LUNATIC HOSPITALS.

There is an imperative demand for increased accommodations for the insane. The hospitals are crowded, and hundreds of inmates are compelled to occupy temporary cots or beds in the corridors and upon the floors. I believe great economy of room is possible under a wise

system of classification, separating the harmless, the criminal, and the dangerous, and under other improved arrangements which professional knowledge and practical experience will advise. Let us adopt any and every reasonable expedient before we enter upon the construction of another hospital, or incur large expense in experiments in one field or another to test a theory.

The financial affairs of the hospitals are reported in excellent condition. The surplus accumulated at Taunton, Worcester, and Northampton, has been increased; while at Danvers, the treasurer's report shows a balance of \$1,172.14, so that the ten thousand dollars appropriated for an anticipated deficiency has been added to the surplus.

REFORM SCHOOL.

There were 103 boys in this school on the thirtieth day of September last. Their ages ranged from six years upward, and averaged $15\frac{1}{3}$ years. The trustees have again and again advised the reduction of the age at commitment from 17 to 14 years, leaving older boys, generally the most hardened and desperate of criminals, to be sentenced as other offenders of like character. These older criminals are not only incorrigible, but they exert a most pernicious influence over all their young associates. Under the present system, the Westborough institution is not a reform school in any reasonable sense. It is not a school, but a nondescript prison, and it fails to bring about the reformation of the inmates. There is a striking concurrence of testimony and opinion that the school is a failure, and that has been made the subject of official communication by several of my predecessors. Why not modify the law of commitment, as recommended by the trustees, and provide for the transfer of the incorrigible inmates to penal institutions? Then, with proper classification and separation, supplemented by the practice of probation, binding out, and individual treatment, the aim of the founder of the institution may be realized in a higher degree.

INDUSTRIAL SCHOOL.

The demand for the abolishment of this institution appears to be based solely on the fact that the average number of girls there is small, being only from sixty-

seven to seventy-six during the last four years. No one appears to doubt the helpful influences of the school and of its system of auxiliary visitation; but it is said to cost too much. Who will estimate the value to individuals, families and the State of those lives that have been made honest, clean and beneficent under the ministration of this charity? It must not be overlooked that the system in operation wisely accomplishes a depletion of the numbers in the school. The aim is not to keep a full school, but to save the girls; and hence the plan of stopping the wayward girl even at the very threshold, or of transferring her after her entrance, to the healthful atmosphere of a good home, beyond the reach of a suggestion of her former life, is most fruitful of good, and develops the best purposes of charity. I would let Lancaster alone, except so far as additional legislation may extend and strengthen its influence, and gather in more whose steps are downward. I would not send Lancaster to Sherborn; rather give the girls the benefit of every good association. Nor should the Industrial school be placed at Monson. The Primary school there is a gratifying success, and the pupils should not be brought within any risk of contamination.

REFORMATORY PRISON FOR WOMEN.

During the year 1883, a new superintendent has been in charge; and pursuant to an Act of the Legislature, the superintendent is also the treasurer and the steward of the prison, a considerable saving being thus made. Sept. 30, 1883, there were 261 prisoners in the institution. During the year 61 were recommitted, 32 of whom were sent for drunkenness; only 17 out of the 61 recommitted had sentences of more than one year. The causes of commitment, in general, appear to be offences against chastity and offences against public order, resulting from excessive use of intoxicating liquors. For this reason the best opinion favors lengthening the term of sentence in order to secure the permanent effect of an industrial training, steady discipline and thorough physical treatment. The commissioners have power, it will be remembered, to mitigate any severity of sentence by releasing upon probation. The commissioners will report that during the past year 44 prisoners have been placed in domestic service, having their wages to themselves, and that not

one of the number left her place, or so misbehaved as to be returned to the prison, and 74 were released on permits, and only four had their permits revoked. The system proves to be beneficial in its results to individuals, and effective in restraint upon others.

The net expense of the support of the prison for the last two years has been as follows :—

1881-2,	\$47,518 66
1882-3,	54,666 16
Increase,	<u>\$7,147 50</u>

On the first day of the current month, the resignation of Miss Barton, the superintendent was accepted, and a successor appointed.

STATE PRISON.

A change in the wardenship of the State prison was made last February. In the year 1881-2, the expenditures at the prison exceeded the receipts by \$22,092.16 ; in 1882-3 the excess amounted to \$36,467.87. This increase of deficit is attributed by the commissioners mainly to the diminution of the number of prisoners, and hence of the receipts for labor. The average number of convicts for the year is 611, the smallest number since 1873. Commitments have been gradually diminished since 1878, though not uniformly throughout the State. The system of overwork is still applied in the prison, though against the objection of the commissioners, as I understand their views. In some respects the present system is a modification of that formerly practised, but still it seems to be in conflict with the statutes of the Commonwealth that require the constant employment of the convicts for the benefit of the State. I discover no need of legislation upon this subject, unless you desire to authorize the practice. A water supply has been secured under a contract with the town of Concord, and you will need to provide for the payment of the expense.

The estimate of receipts and expenditures for 1883-4 is as follows :—

Expense,	\$137,000
Income,	<u>90,000</u>
Expected deficiency,	\$47,000

DIVORCE.

In the forty-first annual registration report, the Secretary of the Commonwealth has included abstracts and tabular statements from the returns for divorces for the four years 1879-82, and also the statistics of divorces in this State during the last twenty years, and a history of the legislation upon the subject. The array of facts presented is most striking. Step by step greater facility in obtaining a dissolution of the marriage bond has been secured, the causes for full divorce have been increased from two to nine, and the party against whom a divorce has been granted may now, in all cases, after two years, marry again, even in the face of a record of shameless debauchery, brutality or profligacy. Considering the ratio of divorces to marriages or to the population of the State, the increase in the number of divorces is alarmingly excessive. The evil is so threatening, the tendencies are so dangerous, that the protest of every thoughtful person ought to be uttered against further destruction of the safeguards of the marriage contract, or of domestic purity and integrity. It may be argued that the evils that underlie society are becoming so flagrant that liberal legislation is wise and salutary for the future comfort of those unhappily bound in marriage, and for the welfare of the offspring from such a union; but the law-maker may well be very conservative in this direction. Single instances of infidelity or hardship do not always justify general enactments. Those who have closely watched the course of legislation on this subject cannot resist the conviction that many of the recent statutes under which divorces are now so easy of attainment and re-marriage unrestrained, have been pressed through the Legislature, after repeated attempts, primarily and principally to cover, it may be, but a single case. Relief to one may suggest temptation and excuse for all. For the credit of the State, in jealous regard for the sanctity of the home, in the interest of good morals and good order in society, I trust you will not regard it your duty to make still easier the abrogation of the marriage tie.

If in Massachusetts we maintain a healthy sentiment on this subject, the influence will reach beyond her borders. Uniformity in legislation in all the States is in the highest degree desirable. I submit to you to consider whether it

would not be wise to inaugurate measures, by conference or otherwise, toward concurrence of action throughout the country.

LIQUOR LAW.

The Act of 1875, to regulate the sale of intoxicating liquors, as amended subsequently, continues in force. Under the local option provisions, the will of the people in the different municipalities is annually expressed for or against the issuing of licenses. From the records in the office of the Secretary of the Commonwealth of the votes in 1882 and 1883, I present the following statement:—

				1882.	1883.
Number of towns that voted for license,	.	.	.	59	71
“ cities “ “	.	.	.	16	14
“ towns “ against license,	.	.	.	266	253
“ cities “ “	.	.	.	5	8

The total number of votes “Yes” and “No” in the State was—

	Yes.	No.
1882,	88,233	76,903
1883,	94,094	82,505

For license fees the receipts for the Commonwealth amount to—

1882,	\$646,715 93
1883,	837,108 30

While it is apparent that the affirmative vote exceeded the negative in each year by nearly the same number, the change of sentiment as thus expressed has been in the cities against license and in the towns in favor of it. Every county shows an increase in the amount of license fees except Dukes and Nantucket, which returned none in either year.

Unquestionably the sentiment of Massachusetts favors the suppression of intemperence; but there is an honest difference of opinion as to the proper and practicable method of dealing by statute with this most difficult problem. Whatever may be the success or failure of any measure of legislation to restrain or extirpate the evils of drunkenness, no sensible, intelligent person can shut his eyes to the misery, the ruin, the pauperism and the crime

that directly result from the excessive use of intoxicating liquors. Under the present statutes the town or city that declines to issue licenses holds the liquor traffic within its borders under the most stringent prohibition; full powers of search and seizure are held by the officers, and an offender becomes liable to the severest penalties of fine and imprisonment. If there be found insuperable difficulties in securing convictions in the courts, the reason is obviously not in any weakness or inefficiency in the law, but may be in the lack of sufficient evidence, in the uncertainty always attendant upon jury trials in all criminal cases, or in the loose notions or corrupt connivance of some member of the panel. In many of the towns and cities the vendors of intoxicating liquors have speculated upon the chances of conviction, and estimated the comparative pecuniary and personal cost of obtaining a license or of pursuing the business in violation of law and under the risk of detection. Doubtless much of the apparent inconsistency in the vote, and the subsequent activity in the liquor trade, may be accounted for in this way in many places. I misapprehend the judgment and temper of the people of Massachusetts if they will be content with no restriction upon the traffic in intoxicating liquors; no one openly advocates that immunity. The law should be honestly enforced; so much at least is demanded in the interest of good order and reputable administration. The same public opinion that controls law, that gauges the efficiency of any legislation, also protests against lawlessness and the domination of the law breaker.

RAILROADS.

The Legislature of 1882 enacted a law to prevent discrimination in freight rates by railroad corporations, affixing a penalty for every violation; later in the same session the law was amended so as to be, in my opinion, of no practicable force, and without any penalty for violation, but preserving the title unimpaired. From most responsible sources I am informed that most unjust discriminations in the rates of charges for freight-transportation—favoring a monopoly here and ruining an enterprise there—are made by some of the railroad companies in the State, and that no statute authority is sufficient to restrain them. The facts on which these complaints are founded will un-

doubtedly be laid before you and your thorough investigation and prompt action will be asked.

THE COURTS.

Relief to the Supreme Judicial Court will unavoidably come from the recent act which conferred upon the Superior Court original and concurrent jurisdiction in equity. It may be deemed advisable to go further and provide that certain matters in equity, as writs for the redemption of mortgages or to foreclose the same, copartnership settlements, concerning waste and nuisance, be heard and determined exclusively in the Superior Court.

Should you favor the removal of divorce causes from the Supreme Judicial Court, I suggest the advisability of a transfer to the Superior Court instead of to the Probate Courts. It is very important to maintain a uniform course of proceedings and decisions in all the counties, and this could not be expected under fourteen judges, each limited in his jurisdiction to his own county.

The urgent necessity of additional criminal terms of the Superior Court in some of the counties will be brought to your attention. It occurs to me to suggest that in several counties where terms are held for criminal business solely, these terms might be abolished and mixed terms substituted and criminal business be transacted at some of the terms now set for civil business. When the criminal courts are held but once in six months a great hardship is imposed on the persons charged with crimes who are ultimately discharged by the grand jurors finding no bill, or by a verdict of not guilty at the trial. It often happens that such persons are in custody awaiting the action of the grand jury nearly six months. A large expense falls on the counties in the support of such prisoners. Speedy trial is not only a right of the accused, but a great gain to public justice. Upon investigation you will certainly find that in the convenience of the judges, in the diminution of expenses of officers and jurors, and in various particulars other advantages will result from the change.

INSOLVENCY.

Under our insolvent laws, persons of considerable means and large indebtedness may secure a release; but unless a debtor owes \$200 or more, and can pay the ex-

penses of the proceedings and the fees of an attorney, he is effectually deprived of the relief. The inference would seem to be, the more hopeless the bankruptcy the more encouraging the outlook. There are a good many of the plain people who do not appreciate the justice of such a system. England has provided for the settlement of small bankruptcies in a very simple and almost inexpensive way; and it ought to be as possible in this State to confer equality in these privileges upon the workingman of scanty means as upon his employer, who may stand in high repute for wealth.

The enactment of a proper law of the character suggested will tend surely to bring one great benefit, namely, the general practice of the cash system in the ordinary transactions of every-day life.

It is true that the subject in its details is not free from difficulties; but if you are convinced that justice and good policy demand action, you will not hesitate to grapple earnestly and intelligently with the problem. Any plan adopted should contemplate tribunals near the people, and the most expeditious and direct methods of procedure. Why may not the matters of small bankruptcies be determined by trial justices, and police, municipal and district courts? If it be said that this proposition is demoralizing in its tendency, in that it may afford an easy escape from just obligations, that objection lies against all insolvency laws. It may be expedient to exclude from the operation of the act debts already contracted, and to provide that the act take effect at a future date.

THE CENSUS.

In accordance with constitutional and statute provisions, the decennial census of voters, population and industries must be taken in 1885. This work is by law placed under the direction of the bureau of statistics of labor; but every census requires new legislation, and all laws bearing on the next census should be enacted at this session, that there may be ample time for careful preparation of blanks and all the details of the enumeration.

SURVEY OF THE STATE.

I have received a communication, which I will place in the hands of any of your committees, from the topographer in charge of the United States Geological Survey in this State,

in which he informs me that at a moderate expense the State can co-operate with the director of the survey and secure the establishment and perpetuation of geodetically determined points for future reference in land surveying. The importance of the subject justifies its introduction here.

Senators and Representatives:

Called, as we are, to serve the people in the most important concerns of government, let us consider that we hold these high places of honor and responsibility, not for personal distinction or for party advantage, but singly for the best welfare of the State and all its inhabitants.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR TO THE LEGISLATURE
DURING THE ANNUAL SESSION.

[To the Senate and House of Representatives, Jan. 8, 1884.]

I have the honor to transmit herewith to the General Court a report of the pardons granted in 1883, left with me by my predecessor in office.

GEO. D. ROBINSON, *Governor*.

JAN. 2, 1884.

I have the honor herewith to present, in compliance with chapter 50 of the Resolves of 1860, a report of the forty-nine pardons issued by the Governor and Council during the year of my administration just closing.

BENJ. F. BUTLER.

No. 1. WILLIAM H. ERWIN. Convicted of man-
slaughter, Supreme Court, Berkshire County, Oct. 13, 1876. Sentenced to twelve years in State Prison. Pardoned Jan. 24, 1883, it appearing to the Governor and Council, by evidence produced before them, that Erwin acted in self-defence in committing the act for which he was sentenced. Pardons.

No. 2. CHARLES S. WHITTIER. Convicted of embezzlement, Supreme Court, Essex County, Oct. 24, 1878. Sentenced to State Prison for six years. Pardoned Jan. 31, 1883, for the reason that he being in the last stages of consumption, it was thought best not to continue him longer in confinement. Died February 16, 1883.

Pardons.

No. 3. MARION GRIEVE. Convicted of drunkenness before Trial Justice Edwin C. Morse, Natick, Nov. 20, 1882. Sentenced to Reformatory Prison for one year. Pardoned Feb. 7, 1883, it appearing that the writ of commitment was issued through error, and that the sentence was imposed under a misapprehension.

No. 4. NICHOLAS STAPLES. Convicted of unlawfully selling oleomargarine for butter, District Court, Lowell, Dec. 18, 1882. Committed in default of payment of fine of \$100. Pardoned Feb. 14, 1883, on the ground that the offence did not justify the punishment. The justice who imposed sentence recommended the pardon.

No. 5. MORGAN O'BRIEN. Convicted of robbery, Superior Court, Suffolk County, Nov. 18, 1879. Sentenced to the State Prison for seven years. Pardoned Feb. 21, 1883, on account of the fact that the prisoner was then in an advanced stage of consumption.

No. 6. HARRIS POKESKY. Convicted of breaking and entering, Superior Court, Suffolk County, Jan. 15, 1883. Sentenced to the State Prison for three years. Pardoned Feb. 21, 1883, because of failing health, and the improbability of his surviving if continued in prison.

No. 7. SYLVESTER S. FELCH. Convicted of committing an abortion, Superior Court, Suffolk County, January Term, 1882. Sentenced to the State Prison for seven years. Pardoned Feb. 21, 1883, on account of the probability of speedy dissolution because of chronic Bright's disease of the kidneys.

No. 8. JAMES H. DONAHUE. Convicted of breaking and entering, Superior Court, Middlesex County, July 8, 1880. Sentenced to State Prison for five years. Pardoned Feb. 21, 1883, having lost the sight of one eye, and was likely to become totally blind, in order that he might have proper medical treatment with a view to restoring his sight.

No. 9. DANIEL O'BRIEN. Convicted of breaking and entering, Superior Court, Suffolk County, Oct. 22, 1875. Sentenced to State Prison for ten years. Pardoned Feb.

21, 1883, because of the fact that the prisoner was in an advanced stage of consumption from which there was no possibility of his recovery, or his survival more than a very brief period of time. Died March 20, 1883. Pardons.

No. 10. WILLIAM TRACY. Convicted of robbery, Superior Court, Middlesex County, Nov. 18, 1879. Sentenced to State Prison for seven years. Pardoned March 7, 1883, on account of permanent disability resulting from a wound inflicted by an insane convict.

No. 11. DANIEL MANY. Convicted of breaking and entering, Superior Court, Suffolk County, March Term, 1882. Sentenced to House of Correction for three years. Pardoned March 2, 1883, because of failing health which must soon result in death.

No. 12. DANIEL DONOVAN. Convicted of breaking and entering and larceny, Superior Court, Essex County, October Term, 1880. Sentenced to State Prison for four years. Pardoned because of incurable physical ailment.

No. 13. JAMES T. EDMANDS. Convicted of forgery, Superior Court, Suffolk County, December Term, 1879. Sentenced to State Prison for five and a half years. Pardoned March 29, 1883, on account of his low physical condition resulting from his confinement.

No. 14. JAMES DOLAN. Convicted of breaking and entering, Superior Court, Middlesex County, March 4, 1881, and burglary, Superior Court, Bristol County, Dec. 17, 1880. Sentenced to five and three years in State Prison. Pardoned March 30, 1883, the prisoner being in an advanced stage of phthisis.

No. 15. FREDERICK W. WYMAN. Convicted of forgery, Superior Court, Suffolk County, June Term, 1882. Sentenced to two years in House of Correction. Pardoned April 18, 1883, on recommendation of the justice who imposed sentence, there being grave doubt as to his guilt.

No. 16. LEMUEL BRADFORD. Convicted of embezzlement, Superior Court, Plymouth County, Nov. 20, 1880.

Pardons.

Sentenced to House of Correction for three years. Pardoned April 30, 1883, on account of his extreme age and general debility, his sentence being nearly expired.

No. 17. CHARLES P. STICKNEY. Convicted of embezzlement, Superior Court, Bristol County, March 5, 1879, and sentenced to the State Prison for the term of five years. Pardoned May 7, 1883, to take effect thirty days before the expiration of his term of imprisonment, to give him in some degree the advantages of a law passed during his confinement, shortening the term of imprisonment for good conduct, by which act, if its provisions had extended to the whole period covered by his sentence, the latter would have been shortened more days than were remitted to him by the pardon.

No. 18. JOHN GILBERT. Convicted of rape, Superior Court, Berkshire County, January 26, 1878. Sentenced to State Prison for fifteen years. Pardoned May 23, 1883, because of evidence produced before the Governor and Council sufficient to raise grave doubts as to whether the crime of rape had been committed.

No. 19. FRANCES ATWOOD. Convicted of larceny, Superior Court, Middlesex County, March 11, 1879. Sentenced to the House of Correction for six years. Pardoned May 23, 1883, because of nervous prostration, and a low condition of her system, which would probably progress beyond recovery if the remaining year of the sentence were enforced.

No. 20. WM. L. SHANNON. Convicted of larceny, Superior Court, Suffolk County, May Term, 1882. Sentenced to House of Correction for three years. Pardoned May 23, 1883, upon condition that he leave the Commonwealth, because of aggravated physical ailment which might prove fatal before the expiration of his sentence.

No. 21. GEORGE RIVERS, *alias* ENGLEHARDT, *alias* ROBERT J. DONOVAN. Convicted of breaking and entering, Superior Court, Middlesex County, October 30, 1882. Sentenced to the House of Correction for two years. Pardoned June 13, 1883, the prisoner being hope-

lessly ill with phthisis, the District Attorney who prosecuted the case recommending the pardon. Pardons.

NO. 22. JOHN NEWTON. Convicted of larceny, Superior Court, Worcester County, December 29, 1880. Sentenced to three years and nine months in the House of Correction. Pardoned June 13, 1883, on condition that he leave the State and remain away during the rest of the term of his sentence, upon the statement of the prosecuting officer that there was doubt about his guilt.

NO. 23. THOMAS SMITH. Convicted of violating license law, Superior Court, Norfolk County, Dec. 27, 1882. Sentenced to House of Correction for six months, and to pay a fine of \$50.00 and costs. Pardoned June 13, 1883, upon request of prosecuting parties, he having pledged himself to refrain from the sale and use of intoxicating liquors during his natural life.

NO. 24. FRANK GIBBS. Convicted of breaking and entering, Superior Court, Hampden County, Dec. 23, 1881. Sentenced to the House of Correction for two years. Pardoned July 24, 1883, on account of the extreme youth of the convict at the time of the commission of the crime, and the influences of others upon him.

NO. 25. KIMBALL PERRY. Convicted of indecent assault, Superior Court, Essex County, May 20, 1881. Sentenced to the House of Correction for three years. Pardoned July 14, 1883, for the reasons that the sentence was deemed excessive by the prosecuting officer.

NO. 26. PETER MCGEE. Convicted of assault, Superior Court, Middlesex County, June 15, 1880. Sentenced to the House of Correction for four years. Pardoned July 28, 1883, because of the fact that was made manifest to the Governor and Council, that the convict was not of sound mind.

NO. 27. WILLIAM BELL. Convicted of breaking and entering and larceny, Superior Court, Suffolk County, January Term, 1883. Sentenced to one year in jail. Pardoned Aug. 16, 1883, the prisoner being very low with phthisis, and the serving of the full term of his sentence,

Pardons.

in the opinion of the Prison Physician, being likely to shorten his days.

NO. 28. THOMAS O'CONNORS. Convicted for violating the license law, Superior Court, Middlesex County, June 20, 1883. Sentenced to three months in the House of Correction, and to pay a fine of \$100.00 and costs. Pardoned September 4, 1883, his term of sentence being nearly ended, it being the opinion of the Governor and Council that the sentence in the case was an excessive one.

NO. 29. JOHN DANAHY, Jr., *alias* JOHN F. DANAHY. Convicted of assault and battery, before Trial Justice Hemmenway, of Hopkinton, July 13, 1883. Sentenced to ninety days in House of Correction. Pardoned Sept. 4, 1883, because of his previous good character, and the fact that he was, by reason of misapprehension on his part and the influence of others over him, induced to plead guilty.

NO. 30. MICHAEL COADY, *alias* FITZGERALD, *alias* MCCARTHY. Convicted of larceny, Superior Court, Middlesex County, Oct. 27, 1882. Sentenced to two years in the House of Correction. Pardoned September 4, 1883, because of failing health.

NO. 31. JOHN SULLIVAN. Convicted of adultery, Superior Court, Hampden County, June 9, 1883. Sentenced to House of Correction for two years. Pardoned September 4, 1883, it being shown to the Governor and Council that Sullivan was ill beyond recovery with tuberculosis.

NO. 32. TIMOTHY KIRBY, *alias* HENRY HASKELL. Convicted of breaking and entering, Superior Court, Suffolk County, January Term, 1882. Sentenced to two years in the House of Correction. Pardoned Sept. 12, 1883, in view of the fact that he was ill with consumption, from which fatal results in a brief period of time were apprehended.

NO. 33. PHILIP CHANDLER, *alias* P. RUSSELL. Convicted of larceny from the person, Superior Court, Suffolk County, June Term, 1882. Sentenced to House

of Correction for three years. Pardoned September 12, 1883, it being affirmatively shown to the Governor and Council that the prisoner had borne an excellent character previous to the act for which he was convicted, and that he was not a criminal in the general acceptance of the term. The sentence was also considered excessive. Pardons.

No. 34. JAMES ELDRED. Convicted of larceny, First District Court, Plymouth County, July 18, 1883. Sentenced to one year in the House of Correction. Pardoned Oct. 5, 1883, the fact being shown to the Governor and Council that Eldred was weak-minded, and that his physical condition was one of debility.

No. 35. CHARLES SCOTT. Convicted of larceny, Superior Court, Suffolk County, November Term, 1881. Sentenced to the House of Correction for four years. Pardoned Oct. 5, 1883, the prisoner being ill with consumption, upon condition that his family remove him from the Commonwealth.

No. 36. TIMOTHY J. LYONS. Convicted of rape, Superior Court, Hampden County, December Term, 1876. Sentenced to State Prison for fifteen years. Pardoned Oct. 5, 1883, upon evidence adduced before the Governor and Council unattainable at the time of trial, sufficient to raise grave doubts as to the guilt of Lyons of the crime of which he was convicted.

No. 37. THOMAS HAYES. Convicted of breaking and entering, Superior Court, Essex County, Feb. 2, 1882, and sentenced to the House of Correction for two and a half years. Pardoned Oct. 5, 1883, that he might be removed to a hospital, where he could have proper medical treatment for a severe disease of the eyes and eyelids.

No. 38. NELLIE PEARSON, *alias* NELLIE SHAW. Convicted of extortion, July Term, 1883, Superior Court, Suffolk County, and sentenced to the House of Correction for two years. Pardoned Oct. 16, 1883, it appearing that the prisoner was weak-minded.

No. 39. JOHN RILEY. Convicted of rape, Superior Court, Bristol County, Oct. 18, 1882, and sentenced to

Pardons.

the House of Correction for three years. Pardoned Oct. 31, 1883, because of the fact that Riley was in an advanced stage of phthisis pulmonalis, there being a probability of speedy death.

No. 40. STEPHEN HENNESSEY. Convicted of breaking and entering, Superior Court, Suffolk County, April Term, 1881, and sentenced to State Prison for four years. Pardoned Nov. 19, 1883, to take effect at the expiration of three years of his sentence, it appearing that the sentence imposed was excessive.

No. 41. BERNARD BOLAND, *alias* RICHARD HUGHES. Convicted of murder in the second degree, Feb. 13, 1873, Supreme Judicial Court, Suffolk County, and sentenced to State Prison for life. Pardoned Nov. 20, 1883, because of error of the Court in imposing sentence contrary to the provisions of chapter 215 of the Public Statutes.

No. 42. WILLIAM H. MAY. Convicted of robbery, Superior Court, Worcester County, October Term, 1878, and sentenced to State Prison for life. Pardoned November 29, 1883, because of the doubt in the minds of the Governor and Council of the guilt of May.

No. 43. ELLEN DUNCAN. Convicted of maiming, Superior Court, Hampden County, December 26, 1882, and sentenced to a term of ten years' confinement in the Reformatory Prison for Women. Pardoned December 5, 1883, because it appeared by evidence produced before the Council that it was impossible that she could have committed the crime in the manner it was alleged against her.

No. 44. SAMUEL B. KENNEDY, *alias* WHITE, *alias* HARRIS. Convicted of setting fire to a building, Superior Court, Middlesex County, February, 1867, and sentenced to the State Prison for life. Pardoned July 18, 1877. Convicted of larceny, Superior Court, Suffolk County, November Term, 1879. Sentenced to State Prison for three years, which sentence expired July 2, 1882. Kennedy was then remanded to the State Prison for the term of his natural life for violating the conditions of his pardon. Pardoned December 20, 1883.

No. 45. CHARLES POTTER. Convicted of adultery, ^{Pardons.} Superior Court, Essex County, January Term, 1883, and sentenced to the House of Correction for two years and three months. Pardoned December 20, 1883, because of errors on the part of the prosecution at the time of trial and conviction.

No. 46. WILLIAM H. PORTER. Convicted of larceny and receiving stolen goods, Superior Court, Essex County, November 1, 1877, and sentenced to State Prison for nine years. Pardoned December 20, 1883, it appearing that the sentence was an excessive one.

No. 47. JAIRUS P. KEENE. Convicted of larceny, Superior Court, Suffolk County, May Term, 1882. Sentenced to the House of Correction for two years. Pardoned Dec. 20, 1883, upon the recommendation of the Board of Public Institutions and the probation officer, there being, in the judgment of the Governor and Council, circumstances tending to a mitigation of the offence.

No. 48. GEORGE H. RICHARDSON. Convicted of murder in the second degree, Supreme Judicial Court, Worcester County, Dec. 19, 1882, and sentenced to State Prison for life. Pardoned Dec. 20, 1883, it appearing to the Governor and Council that the death was the result of accident, and that Richardson was not therefore guilty of the crime of murder in the second degree.

No. 49. JOHN MORAN. Convicted of murder, Supreme Judicial Court, Suffolk County, Jan. 12, 1867. Pardoned Dec. 21, 1883, it being the belief of the Governor and Council that his case was not fully presented to the court and jury through accident requiring change of counsel.

[To the Senate and House of Representatives, Jan. 14.]

I have the honor to acknowledge the receipt of a copy of a joint order of the two branches, requesting information as to what action, if any, has been taken by the executive under chapter 48 of the resolves of the year 1883, concerning certain claims upon the Troy and Greenfield Railroad and Hoosac Tunnel. I desire to say in reply that it does not appear of record that any action has been

Troy and
Greenfield Rail-
road and Hoosac
Tunnel.

taken by the Governor and Council on the subject-matter of said resolve

[To the Senate and House of Representatives, Feb. 26.]

Rhode Island
boundary.

I have the honor to transmit herewith the report of the Commissioners on the Rhode Island Boundary, with plans, engineer's field-book, vouchers of expenses, and other papers.

It appears from the report that the commissioners have completed the work assigned them, and that the governors of Massachusetts and Rhode Island, in December last, inspected the same, and pronounced it satisfactory.

I invite your attention to the need of providing for the payment of a just and proportionate part of the expenses incurred in establishing the boundary line and setting up monuments thereon.

[To the Senate and House of Representatives, Feb. 29.]

Forestry.

In my inaugural address I discussed at some length the subject of forestry and referred to the action of a convention of delegates from all sections of the United States held at St. Paul, Minnesota, in August last.

I have the honor to lay before you a communication received by me from Honorable George B. Loring, United States Commissioner of Agriculture, accompanied with a copy of the memorial adopted by said convention, and invite your consideration of the suggestions therein contained.

[To the Senate and House of Representatives, April 14.]

Death of Hon.
Charles R.
McLean.

It is with deep sadness that I announce to the legislature the death of Hon. Charles R. McLean of Boston, a member of the executive council from the third district, at his home after a brief illness on the afternoon of yesterday. Not alone the councillor district that called him to the high public office, but as well the whole Commonwealth, suffers the loss of an able, independent, upright, earnest and devoted servant, whose zealous concern for the best interests of the people characterized his words and acts.

[To the House of Representatives, April 15.]

Water supply
for Watertown.

Upon revision of the bill to supply the town of Watertown with water, I deem it my duty to withhold my

approval thereof, and therefore I return it, with a statement of my objections, to your honorable body, in which it originated.

Water supply
for Watertown.

The bill authorizes the town by a majority vote to accept the act, and also to incur an indebtedness of two hundred and fifty thousand dollars, payable within thirty years.

The legislature of 1875 expressed in a statute the general judgment of the people in favor of regulating and limiting municipal indebtedness, and the subsequent enactment of the Public Statutes preserved the restrictions in the provisions of section 7, chapter 29, requiring a two-thirds vote for the incurrence of any debt except for temporary loans in anticipation of the taxes of the year in which the debt is incurred and of the year next ensuing. By section 18 of said chapter 29, originally enacted in 1876, a city which at a meeting of its voters has accepted by a vote of two-thirds any act to supply said city with water may, by a majority vote of each branch of the city council, contract debts and issue bonds for the purposes and to the extent authorized by such act. This is the only amendment affecting the portion now in point made to the original statute; and but two other propositions for a change have been brought to the consideration of the legislature since 1875, and these were rejected without a count. The policy of the Commonwealth is indeed well settled.

I believe that the taxpayers in the towns and cities rely with great confidence on the maintenance of these safeguards against unnecessary and extravagant expenditures, and that if they be ignored or destroyed a most dangerous precedent will be established and serious consequences become probable.

Referring to House document No. 175 of the current session, I find that the committee on the judiciary, having the bill in question under consideration by special reference, advised the House that the general laws, hereinbefore cited, apply to any indebtedness authorized by a special act unless there be express provision to the contrary; and they further informed the House that since the passage of the act of 1875 no exemption from the operation of this general law has been granted to any town.

It is evident that in the opinion of said committee, a

Water supply
for Watertown.

town's power to contract permanent debts for water supply purposes depends, not upon the acceptance of the special act in accordance with its terms, whether by a two-thirds vote or by a majority vote, but upon the authority of the general laws applicable thereto, unless otherwise specifically declared in the special act. This view of the law shows clearly that the special acts for Taunton, Hingham and Middleborough, giving original rights to take water, passed in 1875, 1876 and 1879, respectively, are not in point to prove that the legislature has set aside the general rule. It will be found further, upon examination, that the Hingham Water Company was created in 1879, and given the right to take the same sources that were granted to the town in 1876, and under the later act a two-thirds vote is requisite to enable the town to purchase the company's franchise. A similar course has been taken with the town of Middleborough, as will appear by the terms of chapter 59 of the acts of the present legislature.

My own careful investigation confirms the report made by the committee. More than one hundred special water acts have been passed since 1875, a full proportion of which have become laws during the present session. The statutes conferring upon fire districts, water supply districts and other closely populated communities within towns the power to furnish water, are not affected by the general laws in force and for obvious reasons; but nevertheless, in nearly all these the two thirds vote is required. So remarkable concurrence of judgment and so repeated affirmations demonstrate that a departure from the approved course is justifiable only upon the clearest proofs of necessity.

I am unable to discover that the circumstances or needs of Watertown are exceptional to that degree that a plain distinction can be made between it and the other towns that have supplied themselves with water in conformity with the existing provisions of law. The committee on the judiciary, to whose report I have called attention, state that from evidence introduced at the hearing the inhabitants of Watertown "are practically unanimous in desiring a water supply, but that they are so divided as to the proper source of such supply that the act in question would probably prove nugatory unless the town be authorized to accept it by a majority vote."

The plain inference may reasonably be drawn that the plan proposed does not serve the interests of the town, and that within the principle of the act of 1875 indebtedness should not be incurred to carry any such plan into execution. Especially is this apparent when it is considered that under chapter 199 of the Acts of 1875, extended by chapter 239 of the Acts of 1879, the town of Watertown obtained the right to take water from the Charles River at any point within said town, the same source of supply that is set apart in the pending bill, but the required two-thirds vote was not secured in its favor. Besides, it is common knowledge that in many of the towns one scheme after another, requiring an increase of the permanent debt, has been suggested and pressed to the utmost, but failed to receive the necessary support, and subsequently its impracticability or extravagance has been generally admitted. If to avoid a temporary inconvenience in one instance the rule of safety is to be set aside this year, no one can predict how soon it may happen that every safeguard will be broken down and municipal burdens become intolerable.

Water supply
for Watertown.

But it is said that the town, by a vote in the ratio of seven to one, declared in favor of petitioning the legislature to give the majority the power to decide the question, and that by such action the prevailing sentiment is shown. A two-thirds vote is just as naturally to be expected under such circumstances, and may therefore be properly insisted on.

The whole number of voters in Watertown is stated to be eleven hundred and forty-four. From a statement, apparently authentic, which has been laid before me, I discover that the decisions in the various town meetings upon the several test questions have been made by votes as follows:—

July 27, 1880,	. . . .	129 affirmative.	70 negative.
Nov. 16, 1880,	. . . .	248 “	242 “
Dec. 10, 1880,	. . . .	195 “	65 “
April 1, 1881,	. . . .	201 “	137 “
April 16, 1881,	. . . .	252 “	278 “
July 20, 1881,	. . . .	223 “	104 “
May 29, 1883,	. . . .	387 “	291 “
Nov. 30, 1883,	. . . .	140 “	22 “

Making due allowance for the ordinary indifference, it is apparent that a very large proportion of the voters are

Water supply
for Watertown.

not convinced that any of the several measures proposed demand their support.

The town of Watertown is certainly not deprived of all relief if the pending bill shall fail to become a law. A water company may be chartered, as in many cases has been done, with your concurrence of action, and the town be granted the right to take the property and privileges of the company within a given time, when the feasibility of its plan and the sufficiency of its supply and works have been demonstrated by actual test to the satisfaction of the town, and such a result cannot be deemed remote, in view of the reported unanimity of desire on the part of the inhabitants for a supply of water, and their readiness to incur all proper indebtedness therefor. Other practicable measures will be suggested to meet any real exigency.

Upon examination of the papers transmitted to me with the bill, I fail to find in the report of the committee on water supply any statement of facts or reasons pertinent to a full understanding of the questions involved, and diligent investigation of all other sources of information fails to give me a satisfactory basis for agreement with the legislature in the abandonment of the salutary and conservative regulations heretofore so strictly maintained.

I am constrained, therefore, to lay the bill before the legislature for reconsideration in the light of the objections stated.

[To the Senate and House of Representatives, April 28.]

Portrait of
Charles
Sumner.

I have the honor to lay before you the following copy of a communication, which has been placed in my hands by its authors : —

Boston, April 23, 1884.

“ *To His Excellency* GEORGE D. ROBINSON, *Governor, etc., —*

“ DEAR SIR : — The undersigned, on behalf of Mr. James Wormley, of Washington, D. C., and at his request, hereby present to the Commonwealth a portrait of the Honorable Charles Sumner, Senator of Massachusetts in continuous service from 1851 to the time of his decease in 1874. The portrait was painted in Washington in 1873-4 by Henry Ulke ; and, with another of similar character, simultaneously painted by the same artist, is the last likeness of Mr. Sumner painted from life. It has been placed in the State Library at the State House, subject to the single condition that it shall always remain the property of the Commonwealth of Massachusetts, and as such shall be suitably preserved as a memorial of one of her illustrious states-

men. In fulfilling the honorable duty assigned to us in this presentation, it can scarcely be necessary to remind your Excellency of the long and steadfast friendship which existed between Senator Sumner and Mr. Wormley, whom he highly esteemed; but we cannot omit to express our own appreciation of the value of this noble gift and of the generous and tender sentiments which have prompted its bestowal.

"We are, with great respect,

"Your Excellency's obedient servants,

"ALEXANDER H. RICE.

HENRY L. PIERCE.

EDWARD L. PIERCE."

Portrait of
Charles
Sumner.

Receiving this memorial gift in behalf of the Commonwealth, I beg leave to place the same at your disposal for such expression of acknowledgment as in your wisdom may be deemed befitting; and for such regulations as to its care and custody as shall secure its preservation for the people of the State and effectuate the high purposes of the generous donor. In the records of the State and of the Nation, the name of Charles Sumner stands well advanced among the most conspicuous and honored; serving nearly a quarter of a century in the Senate of the United States, he was the eloquent orator, the accomplished scholar, the incorruptible statesman, the fearless champion of universal freedom and equal rights. In due appreciation of the spirit which characterizes the presentation to the Commonwealth, let the portrait be placed upon the walls of the State House, where it shall commemorate the life and services of the great Senator, whom Massachusetts holds in tender and grateful remembrance as one of her worthiest sons.

[To the Senate and House of Representatives, June 3.]

There has been laid before me a bill authorizing the city of Boston to build a pile structure in Charles River, and, as it does not receive my approval, I return it to the Senate, in which it originated, for reconsideration.

The bill gives to the city of Boston without payment of money or compensation of any kind a perpetual right to occupy with a pile structure an area of tide water lands in the Charles River, lying between the new Warren Bridge and the bridge of the Fitchburg Railroad Company, containing 26,932 square feet, and having a market value at the price recently received by the Commonwealth

City of Boston
to build a pile
structure in
Charles River.

City of Boston
to build a pile
structure in
Charles River.

for similar grants in the immediate vicinity (seventy-five cents per square foot) of \$20,199. Other estimates fix a much larger sum as its real value. This area is described in the bill as "flats," by which term might be understood land lying between high and low water mark and ordinarily belonging to the owner of the adjacent shore; but all of this area, as will appear by reference to official charts of Charles River, is below low water mark and outside the harbor line established by law. It covers, in fact, the main deep-water channel of the river, and the entire area is tide-water land, the title of which is in the Commonwealth.

Under section 3, chapter 313 of the acts of 1864 and section 3, chapter 122 of the acts of 1865 as modified by chapter 8 of the resolves of 1872, the receipts from sales of public lands and flats, not specifically appropriated, are pledged to the credit of the Troy and Greenfield Railroad sinking fund, and all receipts under section 16 of chapter 19 of the Public Statutes are paid into this fund. The need of securing all practicable additions to this fund to provide for the payment of the debt at its maturity is so clear and urgent that I forbear to enlarge upon it by way of argument in this connection.

Under ordinary grants of this character the Public Statutes, chapter 19, sections 14 and 16, require not only compensation to be made for tide water displaced, but the payment into the treasury by the grantee, for the rights and privileges granted in the land of the Commonwealth, of such sums of money as the governor and council shall determine to be just and equitable. An exception is made if the grant is to a city, town or county for a bridge constituting a part of a public highway; and under this exception the city of Boston has lately occupied, without payment, for the new Warren Bridge over the Charles River an area of 47,520 square feet of tide-water land of the Commonwealth in excess of the area occupied by the old bridge, the market value of which, at the price already stated, would be \$35,640.

The legislature has also in special cases made gifts of public land for other public uses. More than two-fifths of the Commonwealth's lands on the Back Bay were thus devoted to public avenues, streets and ways, and nearly one-seventh of the residue reserved for sale has been donated to the city of Boston and to public institutions.

It has been the custom in making such gifts to define the public uses for which the land was granted, and, expressly or by implication, to forbid the appropriation to other uses. By chapter 222 of the acts of 1880, for example, land on the Back Bay was donated to the city of Boston for a public library, but on the express condition that the land should be used only for that purpose, and that all the citizens of the Commonwealth should have free access to the library. By a still more recent statute, chapter 219 of the acts of 1883, the free use of certain land of the Commonwealth was granted to the town of Florida for public schoolhouse purposes, to continue so long as the land was used for such purposes and no longer.

City of Boston
to build a pile
structure in
Charles River.

It may be said to be the settled policy of the Commonwealth that the public lands are not to be granted for other than public purposes, except upon fair and reasonable compensation, and that in donating portions of the public domain without such compensation for public uses, the uses should be clearly defined in the grant. It would be difficult to justify any other system of dealing with the public lands of the Commonwealth.

The bill under consideration is open to the objection that it gives a perpetual right to occupy with a structure a valuable tract of public land, not only without compensation, but without prescribing any public or other use to which it shall be appropriated. There is no restriction which precludes the use of the structure for purposes of gain, trade, business or profit, or any other purpose for which private property may be used. And taken in connection with the provisions of chapter 140 of the acts of 1883, this bill might serve to perfect an absolute title, or lay the foundation to a claim for such a title to the land in question, so that it could be conveyed by the city to private parties for the purposes of trade or business. The second section exempts not only from all liability to pay for the grant under chapter nineteen of the Public Statutes, but as well, with a single exception, from all the provisions of that chapter, giving a general supervision and control over structures in the tide waters of the Commonwealth. No reason appears for such exemption. Besides, it can hardly be considered improbable that at some future time the parcel of land described in the bill, or some portion of it, may be required for the widening of Warren Bridge, or for some other public use.

City of Boston
to build a pile
structure in
Charles River.

In the absence of any apparent public exigency for this donation of land, another serious objection to the bill is the probable injury to the Charles River and to the harbor of Boston which this additional obstruction may cause. By reference to the report of the harbor and land commissioners for 1882, it will be seen that they declare that the location and character of the numerous bridges and other structures which encumber the mouth and throat of the Charles River have always been considered as seriously objectionable and hurtful to the navigation interests of Boston and the other cities and towns on its banks. The gross amount of piling between the pier lines on either side of the river from its mouth to the West Boston Bridge is already more than forty acres. A recent survey has shown that serious shoaling has occurred all along this section of the river, and that the tidal currents of the river and harbor are injuriously affected. The location of the structure proposed in the bill is especially objectionable, because, as already stated, it extends across the deep water of the main channel of the river at or near its narrowest part. If the highway and railroad bridges which cross the river are to be regarded as necessary obstructions, the importance of preserving the open water spaces between these bridges from further encroachment cannot be too strongly urged. Pressure has been and is likely again to be made for the occupation of these spaces for business purposes. The bill proposes to close one of them, and could hardly fail to be urged as a precedent for closing others.

Large sums of money have been expended by the Commonwealth, and much larger sums by the United States, for the improvement and preservation of Boston Harbor. Obstructions like that contemplated in this bill have been uniformly protested against by those having official charge of these works on the part of the State and the national governments. It must be manifestly unwise for the legislature to sanction further obstructions of this nature except upon a clear and controlling public exigency, which does not, in my opinion, appear from any of the provisions of the present bill or from the undisputed facts bearing upon the question under consideration.

[To the Senate and House of Representatives, June 3.]

The bill providing for the compensation of members of the Legislature has been laid before me, and is herewith returned to the House of Representatives, in which it originated, without my approval, in order that it may be reconsidered.

Compensation
of members of
the legislature.

In 1871 the pay of the members of the Legislature was fixed by law at seven hundred and fifty dollars for the regular annual session. By chapter 28 of the acts of 1876, enacted early in the session of that year, the amount was reduced to six hundred and fifty dollars. A still further reduction to five hundred dollars was made in 1879, when the whole subject of salaries and expenditures was most searchingly investigated, and that limit remains to the present day.

It may be safely assumed that every member of the present General Court at the time of his candidacy and election knew that the office of senator or representative was to be accepted with the understanding, if not under the contract, that the service was expected by the people upon the terms stated. It is not, indeed, to be questioned or denied that the Legislature has like power to amend this law as all others. So much authority may be fairly held to be proper and necessary in view of extraordinary and unexpected contingencies that may arise to prolong the session beyond the usual length or to increase the labors and burdens incident to the office. But no facts have been brought to my knowledge that make the session of the current year exceptional in these particulars. Indeed, the session of last year extended until the twenty-seventh day of July—making the longest service on record, and exceeding any other since 1874 by more than sixty days—and that Legislature discovered no reason to provide for an increase of salary for themselves or for their successors. In no case, so far as known, did insufficiency of the salary lead any one to decline a re-election or deprive the State of able, experienced and efficient service.

In these very last days of the session, when the work is completed and payment may have been made each month of one hundred dollars on account of each member's salary, thus covering the entire amount now authorized for the whole session, the proposition comes to add one hundred and fifty dollars to the established compensation. I cannot regard such an act under these

Compensation
of members of
the legislature.

circumstances (and I trust I may not speak without due consideration and respect) as a wise and just exercise of power. The Legislature and the governor, by concurrent action within the limitations prescribed by the Constitution, are empowered to provide for their own pay as well as for that of all other officers of the Commonwealth. They may properly determine what shall be a fair equivalent for the labor and responsibilities required in their offices for the future. But I maintain that no safer principle can be established than that they shall not appropriate to their own use, except for most urgent reasons, any money to apply on account of services already rendered, upon terms well understood by themselves and by the people. Let me most respectfully submit to you, that if you stand with me this year in the maintenance of that security to public welfare, we shall assuredly have the better confidence in the future when we shall have relinquished the trusts of the people and become constituents of those who shall hold our places.

Another consideration is pertinent, though less important. No one will undertake the argument that even the increased allowance granted in the proposed bill constitutes adequate pay, viewed in the light of wages, for the performance of the duties imposed on the members of the Legislature. In the legislative branch of the government, as is the rule in municipal affairs and in the management of great concerns by boards of trustees and commissioners, it has been the practice from the foundation of the State to intrust important interests, for a limited period, to men selected for their fitness and disinterestedness, who regard it somewhat a duty to undertake the public work for the general good; and when but a portion of their time is required, and they have the unquestioned right to determine the days and the hours of their session, to avoid interruption and disturbance of private interests, too great a sacrifice does not seem to be demanded. Experience confirms this view. It has not been unusual for members to absent themselves for days and weeks, presumably in attention to private concerns, necessitating postponement of the public business and prolonging the session, but not recognizing any obligation to make deduction from the compensation because of absence. I am not aware that a different practice in this respect has prevailed during the present year.

To pay the compensation of members under the provisions of existing laws requires the sum of one hundred and forty-one thousand dollars. If the increase for each member from five hundred dollars to six hundred and fifty dollars and the other allowances as stated in the bill under consideration are to be made, forty-two thousand three hundred dollars more must be paid from the treasury, an amount forming no inconsiderable portion of the tax laid directly upon the people this year for State purposes. Considering the general depression of business now prevailing, the reduced rates of wages that labor commands, the uncertainty and anxiety felt on every hand for the industrial and financial prospects of the year next before us, I trust you may not deem it unnecessary or unbecoming in me to urge all reasonable economy in the public expenditures. The people will not fail to regard that service acceptable which makes upon them no unusual exactions. Declarations and professions in behalf of economy may serve a temporary purpose, and when put in well-rounded periods in party platforms may outlast the day of their utterance; but I am assured you will agree with me that an actual saving of money needs no argument to prove sincerity of purpose.

Compensation
of members of
the legislature.

Had the bill been drawn to take effect at the beginning of the next year, there would be very much less ground for objection. Then the matter could be generally discussed, and be put in issue in the coming election, and a fair judgment of the people be had on its merits.

I regret that I am unable to concur with you in the enactment of the measure in question, especially as it touches most directly your individual interests. But upon careful reflection I fail to see how I can escape the responsibility imposed upon me by the Constitution, in the revision of this proposition, as of all others submitted to me.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Public Statutes, Chap. 148, Sect. 14, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts in their respective Counties: —

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1883.			
Jan. 1,	Sadie Hynes,*	Sadie Hynes Niles,	Boston.
8,	Rose O'Hara,*	Gracey Farrell,	Boston.
15,	Hannah Bradbury Talcott,	Hannah Bradbury Goodwin,	Boston.
22,	Florence Adelaide Currier,*	Edith Marcella Wells,	Boston.
Feb. 5,	Elizabeth Stewart McLeod,*	Edith Maranda Hyatt,	Boston.
5,	Emma Christina Leonard,*	Winifred Hopkins Moore,	Boston.
12,	William Lubben,*	Willis Mark Willoby,	Boston.
12,	Etta Carlisle,*	Eleanor Christina Affew,	Boston.
26,	Helen Josephine Gay,*	Mabel Josephine Eastman,	Boston.
26,	Mary Nagle,*	Florence Lyle Bent,	Boston.

26,	Faith Rhind,*	.	.	.	Ethel Euphemia Lawson,	.	Boston.
26,	George Philip Williams,*	.	.	.	Philip Harvey Vose,	.	Boston.
March 5,	Edith Pearl Rich,*	.	.	.	Lula May Bacon,	.	Boston.
12,	Oscar Peel,	.	.	.	Frank Crosbie,	.	Boston.
12,	Mary McGee,*	.	.	.	Mary Macgee Williams,	.	Boston.
12,	Bertha Louisa Cross,*	.	.	.	Alberta Carrie Morgan,	.	Lyndon, Vt.
20,	Emily Gay,†	.	.	.	Mabel Reynolds Herriman,	.	Boston.
26,	Mabel Miller,*	.	.	.	Libby Mabel Nicholson,	.	Boston.
26,	Salma Lyon,	.	.	.	Louis Aldrich,	.	Boston.
April 2,	Estella Willett,*	.	.	.	Estella Baker,	.	Burlington, Vt.
16,	Martha Barker Hall,	.	.	.	Martha Wolcott Hall,	.	Boston.
16,	Florence Loretta Hart,*	.	.	.	Florence Clark Atwood,	.	Providence, R. I.
30,	Florence Edna Cowling Starr,*	.	.	.	Florence Edna Cowling,	.	Boston.
30,	Cora May Stewart,*	.	.	.	Phebe Ozeete Sawin,	.	Boston.
May 7,	Mary Elizabeth Rhind,*	.	.	.	Lydia Love Houck,	.	Boston.
7,	Joseph Sullivan,*	.	.	.	Frederick Eugene Tyler,	.	Boston.
7,	Lilla White Moore,	.	.	.	Lilla Moore Fairbanks,	.	Boston.
28,	Florence Harris,*	.	.	.	Madora Bell Hatch,	.	Boston.
June 4,	—— ———*,	.	.	.	James Joseph McLaughlin,	.	Boston.

* Changed by reason of adoption.

† Changed by decree of Supreme Court, on appeal.

SUFFOLK COUNTY — *Continued.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1883.			
June 4,	Herman L. Oakes,*	Herman L. Robinson,	Boston.
11,	Maud Driskell,*	Dora Hunter Saunders,	Cambridge.
11,	Jacquitia McCandless,*	Jacquitia Shafer,	Boston.
11,	George Tyler Thornton,*	George Jackson McNamara,	Boston.
11,	Ethel Prescott,*	Edna Ethel Nowell,	Haverhill.
18,	Herbert Mulligan,*	Herbert Jacobs,	Boston.
25,	Alice Maud Pitman Hogan,*	Edith May Griffin,	Boston.
July 2,	Mary Ellen Witherington,*	Mary Ellen Brannan,	Boston.
9,	Ida Gertie Chessman,*	Ida Gertie Joselyn,	Boston.
30,	Daisy Norwood,*	Myrtle Florence Freeman,	Boston.
Aug. 20,	Elizabeth Writer,*	Elizabeth Hodgkins,	Boston.
20,	Mary Louisa Baker,*	Lillie May Robinson,	Amherst, N. H.
Sept. 3,	Child of Margaret O'Connor,*	Herbert Cecil Daly,	Boston.
10,	Lewis Goldberg,	Lewis Harris Kaplan,	Boston.
17,	William Herbert,*	William Fredrik Johnson,	—.
Oct. 1,	Ida May Griffin,*	Ida May Macdonald,	Shelburne, N. S.
1,	Thomas John Gray,	Turrell Fales Gray,	Boston.

1,	Rachel Tobey, <i>alias</i> Rachel Tobey Amos Robbins,*	Lottie Van Horten Banks,	Mashpee.
1,	Philip Mason,*	William Madden,	—.
1,	Annie Louisa Hastings,*	Annie Louisa West,	Westborough.
8,	Eunice Hayward,*	Laura May Bell,	—.
8,	Anderson Alexander Reeve Kamofsky,*	Anderson Alexander Reeve,	Boston.
8,	Mabel Johnson,*	Flossie May Freeman,	Picton, N. S.
15,	Robert Cutler Hinckley,	Robert Hinckley,	Boston.
22,	Child of Nellie McMurray Wilson,*	Fanny Eleanor Guenther Winther,	Boston.
22,	Lafayette Banks,	Lafayette Foster,	Boston.
5,	Josephine McDonough,*	Annie Josephine McDonough,	Boston.
5,	Richard Ratcliffe Bond,*	George Henry Chase,	Cambridge.
5,	Frederick Foley,	Frederick Atherton,	Boston.
5,	Benjamin Franklin Foley,	Benjamin Franklin Atherton,	Boston.
12,	Alfred Maurice Spalding,	Fred Maurice Spalding,	Boston.
12,	Gracie Harcourt, or Maggie Harcourt or Maggie Harcove,*	Grace Elva Kellogg,	Boston.
12,	Mary Hughes Lane,*	Alice Mary Lewis,	Boston.
12,	Maude Gertrude Lottie Spear,*	Maude Gertrude Tutton,	Boston.
19,	Henry August Linnemann,	Henry Smith Linnemann,	Boston.

* Changed by reason of adoption.

SUFFOLK COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1883.			
Nov. 19,	William Lowell,*	William Augustus Stukey, .	Beverly.
19,	Hattie DeLong,*	Hattie Stevens Clark, .	Boston.
19,	Grace Briscoe,*	Grace Mand Dickinson, .	Hull.
26,	Grace Edna Hittinghine, .	Grace Edna Martin, .	Boston.
26,	Mary Josephine Smith,*	Mary Josephine Heath, .	Boston.
26,	Philip Burekhardt, .	William Harris, .	Boston.
Dec. 10,	George Henry Quinland, .	George Harvey Gray, .	Boston.
10,	Frank Taylor,*	Frank Wentworth, .	Newton.
17,	John Stewart,*	Walter Alexander Shannon, .	Lowell.
17,	Roswell Dash Mayhew,*	Francis Addison Brown, .	Boston.
17,	Elizabeth Sanchez,*	Ella Celetia Lee, .	Boston.
17,	Ella L. Walker,*	Ella L. Heal, .	Chelsea.
17,	Mabel Duffie,*	Mabel Agnes Stephens, .	Boston.
24,	Lydia Love Houck,*	Edith Houck Boyd, .	Quincy, Ill.
31,	George Roland Noyes,*	George Roland Spinney, .	W. Newbury.

ESSEX COUNTY.

Jan.	1,	Gertie Macabe,*	.	.	.	Eliza Ann Dickson,	.	Amesbury.
	1,	Maud L. Pompelio,*	.	.	.	Maud L. Willey,	.	Georgetown.
	15,	Nellie Lois McGrath,*	.	.	.	Nellie Lois Langley,	.	Lynn.
	15,	Alba M. Burns,	.	.	.	Alba Marcus Markey,	.	North Andover.
Feb.	5,	Mary Elizabeth Mackey,*	.	.	.	Mary Elizabeth White,	.	Gloucester.
	5,	Harry J. Manson,*	.	.	.	Harry Manson Moore,	.	Haverhill.
	19,	Susan Frances Coburn,*	.	.	.	Susan Frances Johnson Coburn,	.	Lowell.
March	19,	Arthur Sherman,*	.	.	.	Arthur Franklin Macey,	.	Boston.
	5,	Francis Martin,	.	.	.	Francis Martin Walker,	.	Lawrence.
	12,	Mary A. Guard,*	.	.	.	Mary Ann Westacott,	.	Methuen.
	19,	Martha W. Parsons,*	.	.	.	Martha W. Hewett,	.	Rockport.
	19,	Sarah Kate Chamberlin,	.	.	.	Kate Howe Chamberlin,	.	Nahant.
	26,	Frank Erwin Hawkes,*	.	.	.	Frank Erwin Bayley,	.	Newburyport.
	26,	Bertie Alvin Morse,*	.	.	.	Horace Bertrand Baldwin,	.	Lynn.
April	16,	LeRoy Vincent,*	.	.	.	Le Roy Vincent Ray,	.	Boston.
May	14,	Grace Edith Dunderdale,*	.	.	.	Grace Edith Emmott,	.	Lawrence.
	14,	Annie Morton Tyler,*	.	.	.	Annie Tyler Mooers,	.	Lawrence.

* Changed by reason of adoption.

ESSEX COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1883.			
June 4,	Daniel Campbell,*	Frank Woodbury Kenney,	Athol.
4,	Samuel Smith Willey,*	Elmer Ellsworth Bickford,	Barrington, N. H.
18,	Annie Minahan,*	Mary Elizabeth Minahan,	Lawrence.
25,	Hattie May Bradley,*	Harriet May Dockum,	West Newbury.
25,	Elizabeth A. Ingersoll,*	Elizabeth Anna Elwell,	Gloucester.
July 23,	—— Sampson,*	Blanche Flora Whitney,	West Brookfield.
23,	Lillian Josephine Sargent,*	Lillian Josephine Berry,	Beverly.
Aug. 6,	Charles A. Nourse,	Charles A. Chase,	Salem.
Sept. 3,	Nellie Susan Dow,*	Adeline Jane Graham,	Salisbury.
17,	Anastasia Collins,*	Anastasia Landers,	Andover.
17,	John Joseph Collins,*	John Joseph Roche,	Andover.
24,	Louise Ellen Dow,*	Grace Hinckley Folger,	Salisbury.
24,	Willie Munroe,*	Herbert Wilson Smart,	Tewksbury.
24,	Gladys Elizabeth Pearson,*	Constance Abbot,	Beverly.
Oct. 15,	—— Thomas,*	Alberta May Mansfield,	St. John, N. B.
Nov. 5,	Edna Alzada Mathias,*	Edna Alzada Smith,	Somerville.

5,	Hattie G. Snell, otherwise known as Hattie G. Allen,*	.	.	.	.	Harriet Andrew Allen,	.	.	Beverly.
12.	Mabel Florence Foote,*	.	.	.	.	Mabel Florence Pressey,	.	.	Haverhill.
12.	Charles H. Reed, <i>alias</i> Charles Henry Farrell,*	.	.	.	.	Raymond Irving Marks,	.	.	Lawrence.
19,	Alice May Douglass,*	.	.	.	.	Esther Maud Bunker,.	.	.	Cape Elizabeth, Me.
19,	Alice Adelaide Pease,*	.	.	.	.	Mabel Adelaide Lord,	.	.	Salem.
19,	Lilla May Peavey,*	.	.	.	.	Mary Lilla Sweeney,	.	.	Belfast, Me.

MIDDLESEX COUNTY.

Jan.	9,	Helen Frances Barney,*	.	.	.	Maud Carrie Greenleaf,	.	.	Watertown.
	9,	Mary Wilbur Faunce,*	.	.	.	Mary Wilbur Moore,	.	.	Wilton, N. H.
	16,	John Henry Sands,*	.	.	.	Harold Fred Sinclair,.	.	.	Lowell.
	23,	Joseph Antona Barnedine,*	.	.	.	Joseph Charles Powell,	.	.	Cambridge.
	23,	Harold Wilson Taylor,*	.	.	.	Harold Wilson Dale,	.	.	Stoneham.
	23,	Amos Lawrence Bond,	.	.	.	Lawrence Bond, .	.	.	Newton.
Feb.	13,	Adda Viola Spalding,	.	.	.	Adda Viola Knowles,.	.	.	Somerville.
	13,	Agnes Melita Spalding,	.	.	.	Agnes Melita Knowles,	.	.	Somerville.
	27,	Alice Farquhar,*	.	.	.	Christie Ann Kate Campbell,	.	.	Spring Hill, Wilton, Prov. Quebec.

* Changed by reason of adoption.

MIDDLESEX COUNTY — Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1883.			
March 6,	William Frederick Schickendantz, .	William Frederick Schick, .	Medford.
6,	Harry Davis Hearn,* .	Gardner Holway Osgood, .	Medford.
13,	Freddie Doyle,* .	Frederick Bryant, .	Newton.
13,	Frank Eugene Risk,* .	Frank Sanderson, .	Framingham.
13,	Nicholas Davis,* .	Charles Aubrey Kemp, .	Stoneham.
20,	Cora Adelaide Fletcher,* .	Cora Adelaide Turner, .	Townsend.
27,	Franklin Calhoun Yantis,* .	Franklin Calhoun Pillsbury, .	Winchester.
27,	Joel Horace Yantis,* .	Joel Horace Pillsbury, .	Winchester.
27,	John Dix Yantis,* .	John Dix Pillsbury, .	Winchester.
27,	William Herbert Abbott,* .	William Herbert Abbott Whitney, .	Malden.
27,	Addie May Happennie,* .	Ida May Holbrook, .	Malden.
27,	John Manton,* .	Rouello Prescott Ranger, .	Lowell.
April 3,	Lizzie Gertrude Clifford,* .	Lizzie Gertrude Dayton, .	Somerville.
24,	Name unknown,* .	Albert Francis Sawyer, .	Cambridge.
May 8,	Owen Slater,* .	Owen Slater McCourt, .	Newton.
15,	Eveline Scott May,* .	Florence Mabel Coburn, .	Lowell.

June	5,	Lawrence Joseph Coughlin,	.	.	.	Lawrence Coolidge,	.	.	.	Framingham.
	5,	Andrew McGlenn Walsh,*	.	.	.	Francis Wilbur Carey,	.	.	.	Marlborough.
	12,	William Francis Cook,*	.	.	.	William Francis Sullivan,	.	.	.	Somerville.
	26,	Sophia Little Tirrill,*	.	.	.	Carrie Little Howarth,	.	.	.	Saxon Station, Butler Co., Penn.
	26,	Joseph O'Connell,*	.	.	.	Joseph Cadogan,	.	.	.	Lawrence. .
July	3,	Louisa May Brettain,*	.	.	.	Berenice Evangeline Guilford,	.	.	.	Waltham.
	3,	Ethel Corina Newman,*	.	.	.	Ethel Corina Nichols,	.	.	.	Cambridge.
	3,	Walter Whitney Newman,*	.	.	.	Walter Whitney Nichols,	.	.	.	Cambridge.
	10,	Annie Lycholm,*	.	.	.	Annie Lycholm Gowing,	.	.	.	Wilmington.
	10,	Annie Irving,*	.	.	.	Lillian Emma Pratt,	.	.	.	Waltham.
	24,	Arthur Otis Tyler,*	.	.	.	David Sherman,	.	.	.	Westford.
	24,	John Edward Blake,*	.	.	.	Charles Edward Felch,	.	.	.	Natick.
	24,	Florence May,*	.	.	.	Edith May Marshall,	.	.	.	Natick.
Sept.	4,	Horace Mann Smith,*	.	.	.	Horace Mann Stetson,	.	.	.	Medford.
	4,	Gertrude Lowe,*	.	.	.	Mabel Gertrude Mann,	.	.	.	Medford.
	4,	Ada Eudora Avery,	.	.	.	Ada Eudora Scott,	.	.	.	Somerville.
	11,	Carrie Louise Avery,*	.	.	.	Carrie Louise Scott,	.	.	.	Somerville.
	25,	Mary Frances Taylor,*	.	.	.	Ruth Alice Gray,	.	.	.	Medford.

* Changed by reason of adoption.

MIDDLESEX COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1883.			
Oct. 23,	Minnie Ames,*	Minnie Irene Cross,	Medford.
23,	Julia Emma Dreiling,*	Julia Emma Axtman,	Cambridge.
Nov. 6,	Harriet Olevia Kilcup,*	Harriet Olevia Wood,	Wayland.
13,	Patrick James Wilkinson,	James Francis Wilkinson,	Cambridge.
13,	William Edgar Doucet,*	James Edgar Doucet Marygold,	Stoncham.
13,	Franklin Charles Brennan,*	Franklin Charles Henthorne,	Newton.
20,	Odessa Mottie Hendrick,*	Odessa Mottie Cummings,	Stoncham.
27,	Bertha Wangh,*	Goldy Annie Scribner,	Lowell.
Dec. 11,	Edith McBean,*	Edith Turner,	Malden.
11,	Maud Abbie Gray,*	Maud Abbie Kempton,	Richmond, N. H.

WORCESTER COUNTY.

Jan. 2,	Ralf Everett Newell,	Edgar Eugene Lamb,	Royalston.
2,	Marvin E. Luby,	Marvin E. Tucker,	North Brookfield,
16,	William Taylor,	William Taylor Mitchinson,	Worcester.

16,	Mary Amelia King,	Mary Amelia Bourque,	Webster.
Feb. 20,	Louisa Green,	Louisa Toupin,	Sutton.
27,	Catharine Jackson,	Catharine Kelley,	Clinton.
March 20,	Elizabeth ———,	Elizabeth Gibson,	Worcester.
20,	John Cahill,	John Cronin,	Worcester.
April 3,	Bertha C. Lawless,	Bertha Alice Pike,	Athol.
May 1,	———,	Helen Louise Shepard,	Southbridge.
15,	William A. Flagg,	William A. Blaisdell,	Worcester.
June 5,	Elizabeth Maria Watson,	Annie Guard,	Fitchburg.
5,	George Sidney Altenburg,	George Sidney Altenburg Patterson,	Worcester.
19,	Ella Idella Ware,	Anna Idella Henshaw,	Worcester.
July 3,	David Hayward,	Edward Blanchard,	Worcester.
3,	Josephine Emmaux, otherwise called Lamore,	Josephine Ward,	Webster.
17,	Jennie Gertrude Peckham,	Mabel Gertrude Gerry,	Fitchburg.
Aug. 10,	Hattie Mabel Pease,	Hattie Mabel Bolio,	Sturbridge.
Sept. 4,	———,	Alvin Joseph Bouchard,	Worcester.
4,	Esther M. McQuestion,	Esther Isabel Knight,	North Brookfield.
4,	Richard Ellsworth McNally,	Richard Ellsworth Hazard,	Mendon.
25,	Annie O'Neil,	Hester Annie Carr,	Westminster.

* Changed by reason of adoption.

WORCESTER COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1883.			
Sept. 25,	John Hickey,	John O'Connor,	Fitchburg.
Oct. 2,	Flora Dell Twitchell,	Flora Dell Reynolds,	Fitchburg.
2,	Jennie R. McNamara,	Mary Olive Howe,	Princeton.
16,	Lilla Hall,	Edith Lilla Newton,	Woodstock, Ct.
Nov. 6,	Henry Edwards Jackson,	Henry Edwards Bathrick,	Shrewsbury.
6,	Nellie Ducey,	Mabel Louise Hyde,	Southborough.
20,	William B. Babcock,	William Bush Holmes,	Worcester.
20,	Sadie Clark,	Sadie Luella Glazier,	Barre.
20,	Fannie Tremayne Forbes,	Fannie Forbes Hamel,	Clinton.

HAMPSHIRE COUNTY.

Jan. 2,	Gertrude F. Atkins,*	Gertrude F. Hawks,	Goshen.
April 3,	Rosa Chatfield,*	Rosa Kitty Thayer,	Williamsburg.
March 6,	Anna Dugan,*	Anna Sullivan,	Ware.
6,	Patrick J. Dugan,*	Patrick F. Sullivan,	Ware.

HAMPTDEN COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Dececd.	Residence.
1883.			
April 3,	Lilly May Ward,*	Lilly May Beaudry,	Springfield.
May 5,	Eliza McCrohan,*	Unchanged,	Holyoke.
8,	Florence Butler,*	Florence Ella Sherman,	Palmer.
15,	Maud O'Donnell,*	Unchanged,	Holyoke.
June 23,	Mary Elizabeth Feneuf,†	Mary Elizabeth Cranston,	Springfield.
25,	Charles Mayr,†	Charles Mayo,	Springfield.
Aug. 1,	Emma Mary La Breck,*	Emma Mary Bourassa,	Springfield.
1,	Emma Nickson,*	Emma Nickson Dunham,	Holyoke.
Sept. 4,	Maud Mason,*	Maud Rebecca Stewart,	Russell.
Nov. 3,	Terrence O'Donnell,*	Terrence William Gling,	Russell.
Dec. 18,	Carrie J. Allen,*	Carrie Jane Maxfield,	Westfield.

FRANKLIN COUNTY.

Jan. 2,	Orbert Prew,*	Orbert Huguenin,	Montague.
Feb. 6,	Leroy Mitchell,*	Leroy Foster Frary,	Deerfield.

BERKSHIRE COUNTY.

ne	5,	Rosa A. Phinney,*	.	.	.	Rosa A. Bacon,	.	.	.	Orange.
	5,	Jennie C. Wight,*	.	.	.	Jennie Culver,	.	.	.	Shelburne.
Sept.	4,	Rose McCabb,*	.	.	.	Lena M. Guilford,	.	.	.	Ashfield.
Jan.	3,	Catherine Haley,*	.	.	.	Catherine Manian,	.	.	.	Lee.
	3,	Mary Ann Haley,*	.	.	.	Mary Ann Manian,	.	.	.	Lee.
Feb.	6,	Mabel Curtin,*	.	.	.	Mabel Grace Burns,	.	.	.	Lee.
May	1,	Bessie Anna Wheeler,*	.	.	.	Bessie Anna Merry,	.	.	.	Pittsfield.
	1,	Mabel R. Hawkins,*	.	.	.	Mabel R. Pepoon,	.	.	.	Stockbridge.
July	19,	Eva Ashley,*	.	.	.	Eva Day,	.	.	.	Adams.
	19,	Lizzie Baker,*	.	.	.	Lizzie Bertrand,	.	.	.	Adams.
Sept.	5,	Mabel Luella Hemenway,*	.	.	.	Mabel Luella Curtis,	.	.	.	Stockbridge.
	4,	Helen Mabel Kenney,*	.	.	.	Helen K. Parsons,	.	.	.	Lenox.
Oct.	4,	Minnie O. Connell,*	.	.	.	Minnie Alice Darby,	.	.	.	North Adams.
Dec.	4,	Walter Wheeler,*	.	.	.	Arthur B. Young,	.	.	.	Pittsfield.

* Changed by reason of adoption.

† Changed by adults.

NORFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1883.			
Feb. 7,	Laura Frances Derby,*	Laura Frances Turner,	Weymouth.
14,	Ada Dyer,*	Ada Ives Quiney,	Brookline.
April 4,	Ethel Ninette Dalton,*	Ethel Ninette Moon,	Medfield.
18,	Roxa Isabella McGinnis,	Isabella Roxa Gray,	Walpole.
May 2,	Mary Olive Dalton,*	Mary Elizabeth Haynes,	Medfield.
16,	Knoolie Walker,*	Alice Winifred Foster,	Hyde Park.
June 6,	Emma Hellen Gertrude Dalton,*	Emma Hellen Gertrude Hatch,	Dedham.
6,	Louise Lehmann,*	Marion Louise Foster,	Hyde Park.
6,	Agnes McCredie Wilson,*	Agnes Graham Troup,	Brookline.
July 18,	Bertie Smith Colohan,*	Alfred Henry Inkley,	Weymouth.
Sept. 5,	Helen Knox Wilson,*	Helen Wilson Potter,	Brookline.
19,	Obal Keiver Thayer,*	Obal Keiver Hunter,	Medway.
26,	John Brosnan,*	John Clifford Brosnan,	Holbrook.
Nov. 7,	Robert Wesley Pond,*	Robert Wesley Hodges,	Foxborough.
7,	Mary Littlefield,	Mary Long,	Randolph.

PLYMOUTH COUNTY.

Nov. 21,	Frederick Ayer,*	.	.	.	.	Frederick Ayer Drake,	.	.	Stoughton.
21,	Mary Ann Read,	.	.	.	.	Mary Read Keith,	.	.	Stoughton.
Jan. 8,	Nelly Elizabeth Gillman,*	.	.	.	.	Nelly Elizabeth Wade,	.	.	Rockland.
8,	Bertha L. Battles,*	.	.	.	.	Bertha L. Huckins,	.	.	Brockton.
8,	George Henry John Ritter,	.	.	.	.	George Henry John Arnold,	.	.	Middleborough.
Feb. 12,	Emmanuel Francis Fiumefreddo,	.	.	.	.	Emmanuel Francis McHenry,	.	.	Plymouth.
May 28,	Harris Lindsay,*	.	.	.	.	Henry Lindsay Sanford,	.	.	Bridgewater.
June 11,	Alfred William Mackie,	.	.	.	.	Fred William Mackie,	.	.	Brockton.
July 9,	Harriet Waters,*	.	.	.	.	Annie Weld Edson,	.	.	East Bridgewater.
9,	Nellie Rose Reagan,*	.	.	.	.	Nellie Rose Porter,	.	.	Brockton.
9,	Minnie Christian Atwood,*	.	.	.	.	Minnie Lee Atwood,	.	.	Brockton.
9,	Helen F. Blake,	.	.	.	.	Helen F. Stetson,	.	.	Bridgewater.
Sept. 24,	William Arthur Bullard,	.	.	.	.	Arthur Harold Burnett,	.	.	Brockton.
Oct. 8,	Leon Hilton Fish,*	.	.	.	.	Leon Hilton Nash,	.	.	Pembroke.

* Changed by reason of adoption.

BRISTOL COUNTY.

Date of Decree.	Original Name.	Name Deceed.	Residence.
1883.			
Jan. 5.	Nellie B. Oweus,	Nellie B. Chaffee,	Providence, R. I.
19.	Sadie Lawton Haigh,	Sadie Lawrence Fisher,	Taunton.
Feb. 16.	Joseph Leslie Allen,	Leslie Allen Bedell,	Taunton.
March 2.	Florence Naomi Spragg,	Florence Naomi White,	Easton.
May 4.	Freeman Everett Ward,	Freeman Frederick Baldwin,	Easton.
June 1.	Julia Ann Padelford,	Julia Ann Peirce,	Rehoboth.
July 6.	Margaret Elizabeth McCafferty,	Margaret Elizabeth Cote,	Fall River.
6.	Catherine W. Burns,	Catherine W. McGuire,	Fall River.
Sept. 7.	Samuel Counsel,	Samuel Counsel Sidebotham,	Fall River.
7.	Nancy Davis,	Ida May Rounds,	Rehoboth.
Oct. 5.	Fred S. Reeves,	Fred S. Rhodes,	Fall River.
10.	William Jackson,	William James Daily,	Mansfield.
Nov. 2.	Maud B. Child,	Maud Child Coffin,	New Bedford.
2.	Henry Roseberry,	Frank Henry Wales,	Mansfield.
2.	Lillian Roseberry,	Fannie Lillian Wales,	Mansfield.

16,	Jeremiah Doyle,	.	.	.	.	Jeremiah Harrington,	.	Fall River.
7,	Fanny D. Tripp,	.	.	.	.	Fanny Elizabeth Frasier,	.	New Bedford.

DUKES COUNTY.

April 16,	Sophia M. Swain,	.	.	.	.	Emma Walker Mayhew,	.	Tisbury.
Sept. 3,	Presberry Luce,	.	.	.	.	Presberry Sherwood Luce,	.	Tisbury.
Oct. 15,	Beatrice Fuller,	.	.	.	.	Daisy May Wesley,	.	Cottage City.
15,	Lizzie C. Harrison,	Lizzie H. Rice,	.	Cottage City.

NANTUCKET COUNTY.

Nellie V. Haskell,	Nellie Vernon Folger,	.	Nantucket.
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THE
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH
FOR THE POLITICAL YEAR

1884.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY

GEORGE D. ROBINSON,

GOVERNOR.

EDWIN A. GROZIER *Private Secretary.*
EDWARD F. HAMLIN *Executive Clerk.*

HIS HONOR

OLIVER AMES,

LIEUTENANT-GOVERNOR.

COUNCIL—(BY DISTRICTS).

I.—JONATHAN BOURNE New Bedford.
II.—NATHANIEL WALES Stoughton.
III.—JOHN HASKELL BUTLER*. Somerville.
IV.—PATRICK MAGUIRE Boston.
V.—ROBERT TARR Gloucester.
VI.—CHARLES S. LILLEY Lowell.
VII.—EBEN A. HALL Greenfield.
VIII.—ZENAS CRANE, JR. Dalton.

HENRY B. PEIRCE,

SECRETARY OF THE COMMONWEALTH.

HENRY J. COOLIDGE, *1st Clerk.* ISAAC H. EDGETT, *2d Clerk.*
GEORGE G. SPEAR, JR., *3d Clerk.*

DANIEL A. GLEASON,

TREASURER AND RECEIVER-GENERAL.

JOHN Q. ADAMS, *1st Clerk.* GEORGE S. HALL, *2d Clerk.*

CHARLES R. LADD,

AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.* EDWARD S. DAVIS, *2d Clerk.*

EDGAR J. SHERMAN,

ATTORNEY-GENERAL.

HARVEY N. SHEPARD *Assistant Attorney-General.*

* Elected by Legislature April 29, in place of Charles R. McLean of Boston, deceased April 13.

LEGISLATIVE DEPARTMENT.

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1876.

SENATE.

President — GEORGE. A. BRUCE.

District.	Name of Senator.	Residence.
First Suffolk, . .	Charles A. Campbell, . .	Chelsea.
Second " . .	Ezra J. Trull, . . .	Boston.
Third " . .	Owen A. Galvin, . . .	Boston.
Fourth " . .	John F. Andrew, . . .	Boston.
Fifth " . .	Cornelius F. Cronin, . .	Boston.
Sixth " . .	Albert E. Pillsbury, . .	Boston.
Seventh " . .	Charles Whittier, . . .	Boston.
Eighth " . .	George L. Burt, . . .	Boston.
First Essex, . .	John R. Baldwin, . . .	Lynn.
Second " . .	William Sparhawk, . . .	Marblehead.
Third " . .	Isaac A. S. Steele, . . .	Gloucester.
Fourth " . .	Albert Currier, . . .	Newburyport.
Fifth " . .	Edwin Bowley, . . .	Haverhill.
Sixth " . .	James O. Parker, . . .	Methuen.
First Middlesex, . .	George A. Bruce, . . .	Somerville.
Second " . .	David Randall, . . .	Waltham.
Third " . .	Henry H. Gilmore, . . .	Cambridge.
Fourth " . .	Walter N. Mason, . . .	Natick.

District.	Name of Senator.	Residence.
Fifth Middlesex,	George W. Sanderson,	Littleton.
Sixth " . .	Onslow Gilmore, . .	Stoneham.
Seventh " . .	John H. Morrison, . .	Lowell.
First Worcester,	John D. Washburn, . .	Worcester.
Second " . .	Charles E. Whitin, . .	Northbridge.
Third " . .	Charles A. Denny, . .	Leicester.
Fourth " . .	Thomas P. Root, . .	Barre.
Fifth " . .	Edward P. Loring, . .	Fitchburg.
Hampshire, . .	Alvan Barrus,	Goshen.
First Hampden,	William R. Sessions, . .	Hampden.
Second " . .	Albert C. Woodworth, . .	Chicopee.
Franklin,	Rufus Livermore, . .	Orange.
North Berkshire,	S. Proctor Thayer, . .	North Adams.
South "	Herbert C. Joyner, . .	Gt. Barrington.
First Norfolk, . .	William A. Hodges, . .	Quincy.
Second "	Edward I. Thomas, . .	Brookline.
First Plymouth,	Peleg McFarlin,	Carver.
Second "	Horace Reed,	South Abington.
First Bristol, . .	Frederick L. Burden, . .	Attleborough.
Second "	Frank S. Stevens, . .	Swanzy.
Third "	Charles S. Randall, . .	New Bedford.
Cape,	Howes Norris,	Cottage City.

STEPHEN N. GIFFORD, Clerk.

EDMUND DOWSE, Chaplain.

O. F. MITCHELL, Sergeant-at-Arms.

HOUSE OF REPRESENTATIVES.

Speaker — GEORGE A. MARDEN.

COUNTY OF SUFFOLK.

District.	Town or Ward,	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Jesse M. Gove, . Peter Morrison, .	Boston. Boston.
2d,	Boston, Ward 2,	{ Daniel F. Kelly, . Michael J. Dolan, .	Boston. Boston.
3d,	Boston, Ward 3,	{ George A. Sanderson, . Patrick T. Barry, .	Boston. Boston.
4th,	Boston, Ward, 4,	{ Oliver Prime, .	Boston.
5th,	Boston, Ward 5,	{ Philip J. Doherty, . John R. Murphy, .	Boston. Boston.
6th,	Boston, Ward 6,	{ James Tarone, . William Daly, Jr., .	Boston. Boston.
7th,	Boston, Ward 7,	{ John A. McLaughlin, . Dominick J. Harkins,*	Boston. Boston.
8th,	Boston, Ward 8,	{ Thomas C. Butler, . Patrick D. Dwyer, .	Boston. Boston.
9th,	Boston, Ward 9,	{ George L. Clark, . Julius C. Chappelle, .	Boston. Boston.
10th,	Boston, Ward 10,	{ Jacob A. Dresser, . Prentiss Cummings, .	Boston. Boston.
11th,	Boston, Ward 11,	{ Roger Wolcott, . Edward P. Wilbur, .	Boston. Boston.
12th,	Boston, Ward 12,	{ Edward J. Fossitt, . John R. Farrell, .	Boston. Boston.
13th,	Boston, Ward 13,	{ John J. Maguire, . Francis O'Brien, .	Boston. Boston.
14th,	Boston, Ward 14,	{ Edward F. Hoynes, . Horace L. Bowker, .	Boston. Boston.

* Elected March 11, in place of John Doherty, who did not qualify; deceased Feb. 6.

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	Boston, Ward 15,	{ Michael J. Creed, . Henry E. Hosley, .	Boston. Boston.
16th,	Boston, Ward 16,	{ Joseph H. O'Neil, . James Donovan, .	Boston. Boston.
17th,	Boston, Ward 17,	{ John Q. A. Brackett, . Charles C. Coffin, .	Boston. Boston.
18th,	Boston, Ward 18,	{ Albert T. Whiting, . Alanson W. Beard,	Boston. Boston.
19th,	Boston, Ward 19,	{ John J. Madden, . Patrick F. Devney,	Boston. Boston.
20th,	Boston, Ward 20,	{ John A. Coffey, . John E. Ward, .	Boston. Boston.
21st,	Boston, Ward 21,	{ Halsey J. Boardman, Samuel G. Davis, .	Boston. Boston.
22d,	Boston, Ward 22,	Michael J. Killion, .	Boston.
23d,	Boston, Ward 23,	{ William H. Spooner, George A. O. Ernst,	Boston. Boston.
24th,	Boston, Ward 24,	{ Edmund F. Snow, . John Pierce, .	Boston. Boston.
25th,	Boston, Ward 25,	Charles L. Randall,	Boston.
26th,	{ Chelsea, Wds. 1, 2, 3, 4 Revere, . . . Winthrop, . . . }	{ D. Frank Kimball, . Simcon Butterfield, Albert S. Burnham,	Chelsea. Chelsea. Revere.

COUNTY OF ESSEX.

1st,	{ Rockport, . Gloucester, Ward 7, }	George Elwell, .	Rockport.
2d,	{ Gloucester, Wards 1, 2, 3, 4, 5, 6, . }	{ Frank H. Gaffney, . Erastus Howes, .	Gloucester. Gloucester.
3d,	{ Gloucester, Ward 8, } Essex, . . . Manchester, . . . Hamilton, . . . }	Wm. A. Homans, Jr.	Gloucester.

COUNTY OF ESSEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Wenham, . . . } Danvers, . . . }	Andrew H. Paton, .	Danvers.
5th,	Beverly,	John I. Baker, .	Beverly.
6th,	Salem, Wards 1, 2, 5, {	Robert S. Rantoul, . Edward Collins, .	Salem. Salem.
7th,	Salem, Wards 3, 4, 6, {	Edmund B. Willson, Timothy Bryant, .	Salem. Salem.
8th,	{ Marblehead, . . . } Swampscott, . . . }	Samuel Roads, Jr., . Isaac Atkins, . . .	Marblehead. Marblehead.
9th,	Lynn, Ward 3, . .	Frank W. Jones, .	Lynn.
10th,	{ Lynn, Wards 1, 2, 4, } 5, 7, } Nahant, }	William R. Melden, Patrick S. Curry, . Geo. W. Littlefield,	Lynn. Lynn. Lynn.
11th,	Lynn, Ward 6, . .	Joseph E. Tarbox, .	Lynn.
12th,	Peabody,	Aaron F. Clark, .	Peabody.
13th,	{ Saugus, } Lynnfield, . . . } Middleton, . . . } Topsfield, . . . }	O. Loring Carleton,	Middleton.
14th,	{ Andover, } North Andover, . . }	Frank W. Frisbee, .	No. Andover.
15th,	{ Boxford, } Rowley, } Ipswich, }	Frederic Willcomb,	Ipswich.
16th,	{ Newbury, } Newburypt, Wards } 1, 2, 3, 4, 5, 6, . }	Henry M. Cross, . George P. Bishop, .	Newburyport. Newburyport.
17th,	{ Georgetown, . . . } Groveland, . . . } Bradford, }	Simeon T. Peakes, .	Georgetown.
18th,	{ West Newbury, . . } Salisbury, . . . } Amesbury, . . . } Merrimac, }	John L. Cilley, . John B. Judkins, .	Salisbury. Merrimac.

HOUSE OF REPRESENTATIVES.

COUNTY OF ESSEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
19th,	{ Haverhill, Wards 1, 2, 3, 4, 5, 6, . . }	Calvin Damon, . Charles H. Flint, . Franklin Saunders,	Haverhill. Haverhill. Methuen.
20th,	{ Lawrence, Wards 1, 2, 3, . . . }	Edw'd F. O'Sullivan, Henry P. Danforth,	Lawrence. Lawrence.
21st,	{ Lawrence, Wards 4, 5, 6, . . . }	John H. Stafford, . Richard T. Butler, .	Lawrence. Lawrence.

COUNTY OF MIDDLESEX.

1st,	{ Cambridge, Wards 1, 5, . . . }	Wm. A. Bancroft, . Chester W. Kingsley,	Cambridge. Cambridge.
2d,	{ Cambridge, Wards { 2, 4, . . . }	George C. Bent, . Geo D. Chamberlain, Lewis W. Howes, .	Cambridge. Cambridge. Cambridge.
3d,	Cambridge Ward 3,	Jere. W. Coveney, .	Cambridge.
4th,	Somerville, Ward 1,	Elijah C. Clark, .	Somerville.
5th,	Somerville, Ward 2,	John M. Woods, .	Somerville.
6th,	{ Somerville, Wards 3, 4, . . . }	Joseph W. Bailey, .	Somerville.
7th,	Medford, . . .	Joshua T. Foster, .	Medford.
th,	{ Malden, Wards 1, 2, 3, 4, 5, 6, . . . }	Joshua H. Millett, . George E. Smith, .	Malden. Everett.
9th,	Melrose, . . .	Wingate P. Sargent,	Melrose.
10th,	Stoneham, . . .	George Cowdrey, .	Stoneham.
11th,	Wakefield, . . .	Robert Blyth, . . .	Wakefield.
12th,	{ Reading, . . . North Reading, . . Wilmington, . . }	Horace G. Wadlin, .	Reading.
13th,	Woburn, . . .	Thomas Salmon, .	Woburn.
14th,	{ Arlington, . . . Winchester, . . }	John H. Hardy, .	Arlington.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	{ Watertown, . . . } Belmont, . . . }	Francis E. Whitcomb	Watertown.
16th,	{ Newton, Wards 1, 2, { 3, 4, 5, 6, 7, . . . }	Charles C. Burr, . Thomas Weston, Jr.	Newton. Newton.
17th,	Waltham, . . .	Robert T. Paine, Jr.	Waltham.
18th,	{ Lexington, . . . } Burlington, . . . } Bedford, . . . } Billerica, . . . }	George R. Cobb, .	Billerica.
19th,	{ Tewksbury, . . . } Chelmsford, . . . } Tyngsborough, . . . } Dracut, . . . }	Elisha H. Shaw, .	Chelmsford.
20th,	Lowell, Ward 1, .	Dennis J. Crowley,	Lowell.
21st,	Lowell, Ward 2, .	John T. Donehue, .	Lowell.
22d,	Lowell, Ward 3, .	John J. Mead, . .	Lowell.
23d,	Lowell, Ward 4, .	Charles D. Starbird,	Lowell.
24th,	Lowell, Ward 5, .	George L. Huntoon,	Lowell.
25th,	Lowell, Ward 6, .	George A. Marden,	Lowell.
26th,	{ Concord, . . . } Acton, . . . } Carlisle, . . . } Lincoln, . . . }	Henry J. Hosmer, .	Concord.
27th,	{ Weston, . . . } Wayland, . . . } Sudbury, . . . } Maynard, . . . }	Rufus H. Hurlburt,	Sudbury
28th,	Natick, . . .	Alexander Blaney, .	Natick.
29th,	{ Holliston, . . . } Sherborn, . . . }	Willis A. Kingsbury,	Holliston.
30th,	{ Hopkinton, . . . } Ashland, . . . }	Cromwell McFarland	Hopkinton.
31st,	Framingham, . .	John Clark, . . .	Framingham.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
32d,	Marlborough, . . .	Michael J. Buckley,	Marlborough.
33d,	{ Hudson, . . . Stow, . . . Boxborough, . . . Littleton, . . . }	Augustus Rice, . . .	Stow.
34th,	{ Westford, . . . Groton, . . . Dunstable, . . . Pepperell, . . . }	Moses P. Palmer, . . .	Groton.
35th,	{ Ayer, . . . Shirley, . . . Townsend, . . . Ashby, . . . }	Herman S. Hazen, . . .	Shirley.

COUNTY OF WORCESTER.

1st,	{ Blackstone, . . . Uxbridge, . . . }	Michael Reilly, 2d, . . .	Uxbridge.
2d,	{ Mendon, . . . Milford, . . . Upton, . . . }	James F. Stratton, . . . Daniel Reed, . . .	Milford. Milford.
3d,	{ Northbridge, . . . Grafton . . . }	Joseph A. Dodge, . . .	Grafton,
4th,	{ Westborough, . . . Southborough, . . . }	Edwin B. Harvey, . . .	Westborough.
5th,	{ Clinton, . . . Berlin, . . . Bolton, . . . Sterling, . . . Lancaster, . . . Harvard, . . . Lunenburg, . . . }	Alfred A. Burditt, . . . Stillman Stone, . . .	Clinton. Lunenburg.
6th,	{ Fitchburg, Wards 1, 2, 3, 4, 5, 6, . . . }	Harris C. Hartwell, Benjamin F. Wallis,	Fitchburg. Fitchburg.
7th,	{ Winchendon, . . . Ashburnham, . . . Gardner, . . . Westminster, . . . Princeton, . . . }	Roderic L. Bent, . . . Edwin L. Burnham,	Gardner. Westminster.

COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
8th,	{ Athol, . . . Royalston, . . . }	C. F. Richardson, .	Athol.
9th,	{ Petersham, . . . Phillipston, . . . Templeton, . . . Hubbardston, . . . }	Elisha Webb, . .	Petersham.
10th,	{ Dana, . . . Hardwick, . . . Barre, . . . Oakham, . . . New Braintree, . . }	George K. Tufts, .	New Braintree.
11th,	{ Rutland, . . . Holden, . . . Paxton, . . . Leicester, . . . }	John N. Murdock, .	Leicester.
12th,	{ West Brookfield, . . Warren, . . . Brookfield, . . . North Brookfield, . . Sturbridge, . . . }	Alden Batcheller, . Joseph W. Hastings,	N. Brookfield. Warren.
13th,	{ Spencer, . . . Charlton, . . . Southbridge, . . . Oxford, . . . }	Joseph W. Temple, Francis L. Chapin, .	Spencer. Southbridge.
14th,	{ Douglas, . . . Webster, . . . Dudley, . . . }	George A. Gleason,	Douglas.
15th,	{ Auburn, . . . Millbury, . . . Sutton, . . . }	Thomas S. Eaton, .	Auburn
16th,	{ Shrewsbury, . . . Northborough, . . . Boylston, . . . West Boylston, . . }	Levi L. Flagg, .	Boylston.
17th,	Leominster, . . .	William B. Toulmin,	Leominster.
18th,	Worcester, Ward 1,	Aaron G. Walker, .	Worcester.
19th,	Worcester, Ward 2,	Forrest E. Barker, .	Worcester.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
20th,	Worcester, Ward 3,	James Connor, .	Worcester.
21st,	Worcester, Ward 4,	John J. O'Gorman,	Worcester.
22d,	Worcester, Ward 5,	John F. H. Mooney,	Worcester.
23d,	Worcester, Ward 6,	George H. Ball, .	Worcester.
24th,	Worcester, Ward 7,	Emerson Warner,* .	Worcester.
25th,	Worcester, Ward 8,	Burton W. Potter, .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . . . Northampton, W'ds 1, 2, 3, 4, 5, 6, 7, . Southampton, . . }	Charles N. Clark, . John F. Warner, .	Northampton. Northampton.
2d,	{ Hadley, . . . Hatfield, . . . Westhampton, . . Williamsburg, . }	Daniel W. Wells, .	Hatfield.
3d,	{ Chesterfield, . . Cummington, . . Goshen, . . . Huntington, . . . Middlefield, . . . Plainfield, . . . Worthington, . }	James A. Winslow,	Plainfield.
4th,	{ Amherst, . . . Pelham, . . . Prescott, . . . South Hadley, . }	Chester H. Gray, .	Prescott
5th,	{ Belchertown, . . Enfield, . . . Granby, . . . Greenwich, . . . Ware, . . . }	Lyman D. Potter, .	Enfield.

COUNTY OF HAMPDEN.

1st,	{ Monson, . . . Brimfield, . . . Holland, . . . Wales, . . . }	Lucius A. Cutler, .	Brimfield.
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* Elected Jan. 30, in place of George E. Batchelder, resigned Jan. 14.

COUNTY OF HAMPDEN — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Palmer, . . . } { Wilbraham, . . . } { Hampden, . . . } { Ludlow, . . . }	Oren B. Smith, .	Palmer.
3d,	Chicopee, . .	Erastus Stebbins, .	Chicopee.
4th,	{ Springfield, Wards } { 1, 2, . . . }	Charles W. Richards, Frank E. Carpenter,	Springfield. Springfield.
5th,	{ Springfield, Wards } { 3, 6, . . . }	Frank E. Winter, .	Springfield.
6th,	{ Springfield, Wards } { 4, 7, . . . } { Longmeadow, . }	Edmund P. Kendrick,	Springfield.
7th,	{ Springfield, Wards } { 5, 8, . . . }	Nathaniel Howard,	Springfield,
8th,	{ Holyoke, Wards 1, } { 2, 3, 4, 5, . . }	John H. Wright, .	Holyoke.
9th,	{ Holyoke, Wards 6, 7, } { West Springfield, . }	Wilbert T. Dean, .	Holyoke.
10th,	{ Westfield, . . . } { Agawam, . . . } { Montgomery, . . }	Charles N. Oakes, . Eber A. Egleston, .	Westfield. Westfield.
11th,	{ Southwick, . . . } { Granville, . . . } { Tolland, . . . } { Blandford, . . . } { Chester, . . . } { Russell, . . . }	Edwin Gilbert, .	Southwick.

COUNTY OF FRANKLIN.

1st,	{ Erving, . . . } { Warwick, . . . } { Orange, . . . } { New Salem, . . }	Charles A. Towne, .	Orange.
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HOUSE OF REPRESENTATIVES.

COUNTY OF FRANKLIN — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Montague, . . . } { Sunderland, . . . } { Leverett, . . . } { Shutesbury, . . . } { Wendell, . . . }	Chas. W. Hazelton,	Montague.
3d,	{ Greenfield, . . . } { Gill, . . . } { Shelburne, . . . }	William A. Forbes,	Greenfield.
4th,	{ Deerfield, . . . } { Conway, . . . } { Whately, . . . }	Silas White Allis, .	Whately.
5th,	{ Northfield, . . . } { Bernardston, . . . } { Leyden, . . . } { Colrain, . . . } { Heath, . . . }	Orswell A. Wheeler,	Bernardston.
6th,	{ Ashfield, . . . } { Buckland, . . . } { Charlemont, . . . } { Hawley, . . . } { Rowe, . . . } { Monroe, . . . }	Frederick H. Smith,	Ashfield.

COUNTY OF BERKSHIRE.

1st,	{ Hancock, . . . } { Lanesborough, . . . } { New Ashford, . . . } { Williamstown, . . . } { Clarksburg, . . . }	Fordyce W. Briggs,	Lanesborough
2d,	{ Adams, . . . } { North Adams, . . . }	Moses B. Darling, . John S. Adams, .	North Adams. Adams.
3d,	{ Pittsfield, . . . } { Dalton, . . . }	Thomas A. Oman, . Jacob Gimlich, .	Pittsfield. Pittsfield.
4th,	{ Florida, . . . } { Savoy, . . . } { Cheshire, . . . } { Windsor, . . . } { Washington, . . . } { Peru, . . . } { Hinsdale, . . . }	Daniel F. Bucklin, .	Cheshire.

COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Becket, . . . } { Lee, . . . } { Otis, . . . } { Tyringham, . . }	William H. Gross, .	Lee.
6th,	{ Richmond, . . . } { Lenox, . . . } { Stockbridge, . . }	Henry J. Dunham, .	Stockbridge.
7th,	{ Alford, . . . } { Egremont, . . . } { Great Barrington, . }	Alfred S. Fassett, .	Gt. Barrington.
8th,	{ Mt. Washington, . }		
	{ New Marlborough, . }	Lorin P. Keyes, .	N. Marlboro'.
	{ Sandisfield, . . . }		
	{ Sheffield, . . . }		

COUNTY OF NORFOLK.

1st,	{ Dedham, . . . } { Norwood, . . . }	A. B. Wentworth, .	Dedham.
2d,	Brookline, . . .	Benj. F. Baker, .	Brookline.
3d,	Hyde Park, . . .	Henry C. Stark, .	Hyde Park.
4th,	{ Milton, . . . } { Canton, . . . }	J. Walter Bradlee, .	Milton.
5th,	{ Quincy, . . . } { Weymouth, . . . }	William N. Eaton, . Wm. G. A. Pattee, . George A. Cushing,	Quincy. Quincy. Weymouth.
6th,	{ Braintree, . . . } { Holbrook, . . . }	Chas. B. Whitcomb,	Holbrook.
7th,	{ Randolph, . . . } { Stoughton, . . . } { Sharon, . . . } { Walpole, . . . }	Bushrod Morse, . Henry H. Francis, .	Sharon. Randolph.
8th,	{ Franklin, . . . } { Foxborough, . . . } { Wrentham, . . . } { Bellingham, . . . } { Medway, . . . }	Fred H. Williams, . Sewall J. Clark, .	Foxborough. Medway.

HOUSE OF REPRESENTATIVES.

COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
9th,	{ Needham, . . . } { Dover, . . . } { Medfield, . . . } { Norfolk, . . . } { Wellesley . . . }	James Hewins, .	Medfield.

COUNTY OF PLYMOUTH.

1st,	{ Hingham, . . . } { Hull, . . . }	Joseph O. Burdett, .	Hingham.
2d,	{ Cohasset, . . . } { Scituate, . . . } { South Scituate, . . . }	Charles E. Brown, .	Scituate.
3d,	{ Marshfield, . . . } { Pembroke, . . . } { Hanson, . . . } { Halifax, . . . }	Luther P. Hatch, .	Marshfield.
4th,	{ Duxbury, . . . } { Kingston, . . . } { Plympton, . . . } { Carver, . . . }	Fred M. Harrub, .	Plympton.
5th,	Plymouth, . . .	Chas. H. Howland,	Plymouth.
6th,	{ Wareham, . . . } { Rochester, . . . } { Marion, . . . } { Mattapoisett, . . . }	Henry Barstow, .	Mattapoisett.
7th,	{ Middleborough, . . . } { Lakeville, . . . }	Albert T. Savery, .	Middleboro'.
8th,	{ Bridgewater, . . . } { East Bridgewater, . . . }	William H. Osborn,	E. Bridgewater.
9th,	{ Rockland, . . . } { Hanover, . . . }	Henry A. Baker,* .	Rockland.
10th,	{ Brockton, Wards 1, . . . } { 2, 3, 4, 5, 6, 7, . . . } { W. Bridgewater, . . . }	Enos H. Reynolds, . Wm. L. Douglas, .	Brockton. Brockton.
11th,	{ Abington, . . . } { South Abington, . . . }	George M. Nash, .	Abington.

* Elected February 26, in place of George H. Hunt, whose seat was declared vacant by Resolution February 7.

COUNTY OF BRISTOL.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Attleborough, . . . } { Norton, . . . } { Mansfield, . . . }	Handel N. Daggett, . George A. Adams, .	Attleborough. Attleborough.
2d,	{ Easton, . . . } { Raynham, . . . }	Thomas B. Johnson,	Raynham.
3d,	{ Taunton, Wards 1, { 2, 3, 4, 5, 6, 7, 8, . { Berkley, . . . }	Lloyd E. White, . Benj. S. Bosworth, . Herbert L. Peck, .	Taunton. Taunton. Taunton.
4th,	{ Acushnet, . . . } { Fairhaven, . . . } { Freetown, . . . }	George P. Morse, .	Acushnet.
5th,	{ New Bedford, Wards } { 1, 2, 3, . . . }	William A. Searell, Augustus Swift, .	New Bedford New Bedford.
6th,	{ New Bedford, Wards } { 4, 5, 6, . . . }	William Gordon, Jr., Thomas W. Cook, .	New Bedford. New Bedford.
7th,	{ Westport, . . . } { Dartmouth, . . . }	Edward C. Almy, .	Dartmouth.
8th,	{ Fall River, Wards } { 1, 2, 3, 4, 5, 6, . }	Charles B. Martin, . Patrick E. Foley, . T. Dwight Stow, .	Fall River. Fall River. Fall River.
9th,	{ Fall River, Wards } { 7, 8, 9, . . . } { Somerset, . . . }	Jas. F. Davenport, . John C. Milne, .	Fall River. Fall River.
10th,	{ Seekonk, . . . } { Swanzey, . . . } { Rehoboth, . . . } { Dighton, . . . }	Nathaniel M. Burr,	Seekonk.

COUNTY OF BARNSTABLE.

1st,	{ Sandwich, . . . } { Falmouth, . . . }	Meltiah Gifford, .	Falmouth.
2d,	{ Barnstable, . . . } { Mashpee, . . . }	Zenas E. Crowell, .	Barnstable.

HOUSE OF REPRESENTATIVES.

COUNTY OF BARNSTABLE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Yarmouth, . . . } Dennis, . . . }	Joshua Crowell, .	Dennis.
4th,	{ Harwich, . . . } Chatham, . . . }	C. A. Freeman, .	Chatham.
5th,	{ Brewster, . . . } Orleans, . . . } Eastham, . . . } Wellfleet, . . . }	Sol. Linnell, 2d, .	Orleans.
6th,	{ Truro, . . . } Provincetown, . . . }	Edward E. Small, .	Provincetown.

COUNTY OF DUKES COUNTY.

1st,	{ Chilmark, . . . } Cottage City, . . . } Edgartown, . . . } Gay Head, . . . } Gosnold, . . . } Tisbury, . . . }	Everett A. Davis, .	Tisbury.
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COUNTY OF NANTUCKET.

1st,	Nantucket, . . .	John W. Hallett, .	Nantucket.
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EDWARD A. McLAUGHLIN, . . . *Clerk.*
DANIEL W. WALDRON, . . . *Chaplain.*
O. F. MITCHELL, . . . *Sergeant-at-Arms.*

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

MARCUS MORTON, of Andover.

ASSOCIATE JUSTICES.

WALBRIDGE A. FIELD, of Boston.
CHARLES DEVENS, of Worcester.
WILLIAM ALLEN, of Northampton.
CHARLES ALLEN, of Boston.
WALDO COLBURN, of Dedham.
OLIVER WENDELL HOLMES, JR., . . . of Boston.

SUPERIOR COURT.

CHIEF JUSTICE.

LINCOLN F. BRIGHAM, of Salem.

ASSOCIATE JUSTICES.

JULIUS ROCKWELL, of Lenox.
ROBERT C. PITMAN, of Newton.
JOHN W. BACON, of Natick.
P. EMORY ALDRICH, of Worcester.
WILLIAM S. GARDNER, of Newton.
HAMILTON B. STAPLES, of Worcester.
MARCUS P. KNOWLTON, of Springfield.
CALEB BLODGETT, of Boston.
ALBERT MASON, of Brookline.
JAMES M. BARKER, of Pittsfield.

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GEORGE F. CHOATE, Salem,	ESSEX.
GEORGE M. BROOKS, Concord,	MIDDLESEX.
ADIN THAYER, Worcester,	WORCESTER.
WILLIAM G. BASSETT, Easthampton,	HAMPSHIRE.
WILLIAM S. SHURTLEFF, Springfield,	HAMPDEN.
CHESTER C. CONANT, Greenfield,	FRANKLIN.
JAMES T. ROBINSON, North Adams,	BERKSHIRE.
GEORGE WHITE, Newton,	NORFOLK.
JESSE E. KEITH, Abington,	PLYMOUTH.
WILLIAM E. FULLER, Taunton,	BRISTOL.
HIRAM P. HARRIMAN, Wellfleet,	BARNSTABLE.
JOSEPH T. PEASE, Edgartown,	DUKES.
THADDEUS C. DEFRIEZ, Nantucket,	NANTUCKET.

REGISTERS OF PROBATE AND INSOLVENCY.

ELIJAH GEORGE, Boston,	SUFFOLK.
JEREMIAH T. MAHONEY, Salem,	ESSEX.
JOSEPH H. TYLER, Winchester,	MIDDLESEX.
FREDERIC W. SOUTHWICK, Worcester,	WORCESTER.
HUBBARD M. ABBOTT, Northampton,	HAMPSHIRE.
SAMUEL B. SPOONER, Springfield,	HAMPDEN.
FRANCIS M. THOMPSON, Greenfield,	FRANKLIN.
EDWARD T. SLOCUM, Lee,	BERKSHIRE.
JONATHAN COBB, Dedham,	NORFOLK.
EDWARD E. HOBART, Bridgewater,	PLYMOUTH.
JOHN H. GALLIGAN, Taunton,	BRISTOL.
FREEMAN H. LOTHROP, Barnstable,	BARNSTABLE.
HEBRON VINCENT, Edgartown,	DUKES.
SAMUEL SWAIN, Nantucket,	NANTUCKET.

DISTRICT ATTORNEYS.

OLIVER STEVENS, Boston,	SUFFOLK.
WILLIAM B. STEVENS, Stoneham,	NORTHERN.
HENRY F. HURLBURT, Lynn,	EASTERN.
EVERETT C. BUMPUS, Weymouth,	SOUTH-EASTERN.
HOSEA M. KNOWLTON, New Bedford,	SOUTHERN.
WILLIAM S. B. HOPKINS, Worcester,	MIDDLE.
ANDREW J. WATERMAN, Pittsfield,	WESTERN.
DANIEL W. BOND, Northampton,	NORTH-WESTERN.

SHERIFFS.

JOHN B. O'BRIEN, Boston, . . .	SUFFOLK
HORATIO G. HERRICK, Lawrence, . .	ESSEX.
HENRY G. CUSHING, Lowell, . . .	MIDDLESEX.
AUGUSTUS B. R. SPRAGUE, Worcester,	WORCESTER.
JAIRUS E. CLARK, Easthampton, . .	HAMPSHIRE.
HIRAM Q. SANDERSON, Springfield, .	HAMPDEN.
GEORGE A. KIMBALL, Greenfield, . .	FRANKLIN.
HIRAM B. WELLINGTON, Pittsfield, .	BERKSHIRE.
RUFUS C. WOOD, Dedham, . . .	NORFOLK.
ALPHEUS K. HARMON, Plymouth, . .	PLYMOUTH.
ANDREW R. WRIGHT, Fall River, . .	BRISTOL.
LUTHER FISK, Dennis, . . .	BARNSTABLE.
JASON L. DEXTER, Edgartown, . . .	DUKES.
JOSIAH F. BARRETT, Nantucket, . .	NANTUCKET.

CLERKS OF COURTS.

GEORGE W. NICHOLS, Boston, Clerk of the Supreme Judicial Court for the Commonwealth.

JOHN NOBLE, Boston, Supreme Judicial Court,	SUFFOLK.
JOSEPH A. WILLARD, Bost., Sup. Ct., Civil T.,	} SUFFOLK.
JOHN P. MANNING, Boston, Criminal Term,	
ALFRED A. ABBOTT, Peabody, . . .	ESSEX.
THEODORE C. HURD, Cambridge, . . .	MIDDLESEX.
THEODORE S. JOHNSON, Worcester, . .	WORCESTER.
WILLIAM H. CLAPP, Northampton, . .	HAMPSHIRE.
ROBERT O. MORRIS, Springfield, . . .	HAMPDEN.
EDWARD E. LYMAN, Greenfield, . . .	FRANKLIN.
HENRY W. TAFT, Pittsfield, . . .	BERKSHIRE.
ERASTUS WORTHINGTON, Dedham, . . .	NORFOLK.
WILLIAM H. WHITMAN, Plymouth, . .	PLYMOUTH.
SIMEON BORDEN, Fall River, . . .	BRISTOL.
SMITH K. HOPKINS, Barnstable, . . .	BARNSTABLE.
SAMUEL KENISTON, Edgartown, . . .	DUKES.
JOHN F. BROWN, Nantucket, . . .	NANTUCKET.

MEMBERS OF THE FORTY-EIGHTH CONGRESS.

[Congressional Districts established by Chap. 253, Acts of 1882.]

SENATORS.

HENRY L. DAWES, of *Pittsfield*.
 GEORGE F. HOAR, of *Worcester*.

REPRESENTATIVES.

DISTRICT I. — ROBERT T. DAVIS, of *Fall River*.
 II. — JOHN D. LONG, of *Hingham*.
 III. — AMBROSE A. RANNEY, of *Boston*.
 IV. — PATRICK A. COLLINS, of *Boston*.
 V. — LEOPOLD MORSE, of *Boston*.
 VI. — HENRY B. LOVERING, of *Lynn*.
 VII. — EBEN F. STONE, of *Newburyport*.
 VIII. — WILLIAM A. RUSSELL, of *Lawrence*.
 IX. — THEODORE LYMAN, of *Brookline*.
 X. — WILLIAM W. RICE, of *Worcester*.
 XI. — WILLIAM WHITING, of *Holyoke*.
 XII. — FRANCIS W. ROCKWELL,* of *Pittsfield*.

* Elected Jan. 17, in place of Geo. D. Robinson, resigned.

Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, July 21, 1884.

I certify that the Acts and Resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the tables showing the changes made in the general statutes by the legislation of the present year have been prepared and are published as an appendix to this edition of the laws by direction of the Governor, in accordance with the provisions of Chap. 238 of the Acts of 1882.

HENRY B. PEIRCE,

Secretary of the Commonwealth.

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APPENDIX.

The following tables have been prepared by Charles U. Bell, Esq., appointed to that duty under Chap. 238 of the acts of 1882, which authorized the Governor to appoint some person to prepare "tables showing what general statutes have been affected by subsequent legislation, in such manner as to furnish ready reference to all changes in such statutes."

A TABLE SHOWING WHAT GENERAL STATUTES OF THE
COMMONWEALTH AND WHAT CHAPTERS OF THE
PUBLIC STATUTES HAVE BEEN AFFECTED
BY SUBSEQUENT LEGISLATION.

STATUTES OF THE COMMONWEALTH.

[The changes are more fully stated under the appropriate chapter of the Public Statutes.]

ST. 1874.

CHAPTER 372.

AN ACT CONCERNING BONDS OF RAILROAD CORPORATIONS.

Acts under it ratified. St. 1883, c. 7, § 1. P. S., c. 112, § 62.

ST. 1877.

CHAPTER 186.

AN ACT IN RELATION TO OVERSEERS OF THE POOR.

Amended. St. 1883, c. 203, § 1. P. S., c. 27, § 65.

ST. 1878.

CHAPTER 255.

AN ACT IN RELATION TO THE ELECTION OF SELECTMEN AND AS-
SESSORS IN TOWNS.

Amended. St. 1883, c. 203, § 1. P. S., c. 27, § 69 et seq.

ST. 1881.

CHAPTER 44.

AN ACT TO REGULATE THE TAKING OF FISH, ETC.

Section 4, amended. St. 1883, c. 76, § 2. P. S., c. 91.

ST. 1882.

CHAPTER 74.

AN ACT RELATIVE TO THE PRESERVATION OF CHECK LISTS IN CITIES.

Repealed St. 1884, c. 299, § 44. P. S., c. 7.

CHAPTER 102.

AN ACT CONCERNING FISHERIES, ETC.

Amended. St. 1884, c. 245. P. S., c. 91.

CHAPTER 106.

AN ACT IN RELATION TO THE TAXATION OF FOREIGN MINING, QUARRYING AND OIL COMPANIES.

Amended by St. 1883, c. 74. Affected by St. 1884, c. 330, § 3. P. S., c. 13.

CHAPTER 139.

AN ACT TO PERMIT WOMEN TO PRACTISE AS ATTORNEYS AT LAW.

Such women may be special commissioners. St. 1883, c. 252. P. S., c. 18.

CHAPTER 179.

AN ACT RELATIVE TO PARADING WITH ARMS BY ASSOCIATIONS COMPOSED OF SOLDIERS.

Superseded. St. 1884, c. 230, § 15. P. S., c. 14, § 127.

CHAPTER 212.

AN ACT TO ESTABLISH AN AGRICULTURAL EXPERIMENT STATION.

Reports provided for. St. 1883, c. 105. P. S., c. 20.

CHAPTER 247.

AN ACT RELATING TO THE CORRECTION OF NAMES UPON TAX-BILLS, ETC.

Repealed. St. 1884, c. 298, § 53. P. S., c. 6.

CHAPTER 263.

AN ACT RELATING TO THE ADULTERATION OF FOOD AND DRUGS.

Amended. St. 1883, c. 263, § 1. St. 1884, c. 289, § 6. P. S., c. 208.

CHAPTER 268.

AN ACT TO PROVIDE FOR THE CORRECTION OF OMISSIONS IN THE
REGISTRATION OF VOTERS.

Repealed. St. 1884, c. 298, § 53. P. S., c. 6.

CHAPTER 270, SECTION 4.

AN ACT FOR THE BETTER PROTECTION OF CHILDREN.

Amended. St. 1884, c. 210. P. S., c. 48.

CHAPTER 274.

AN ACT CONCERNING TRANSPORTATION OF LOGS AND TIMBER
UPON THE CONNECTICUT RIVER.

Section 2, repealed. St. 1883, c. 183, § 3. P. S., c. 94.

ST. 1883.

CHAPTER 52.

AN ACT TO EXTEND THE TIME WITHIN WHICH SAVINGS BANKS,
ETC., MAY SELL CERTAIN REAL ESTATE, ETC.

Amended. St. 1883, c. 248. P. S., c. 116.

CHAPTER 157.

AN ACT RELATING TO THE EMPLOYMENT OF MINORS AND WOMEN.

Limited. St. 1884, c. 275, § 4. P. S., cc. 48, 74.

CHAPTER 187.

AN ACT IN RELATION TO BOARDING HOUSES AND BOARDING-HOUSE
KEEPERS.

Amended. St. 1884, c. 169. P. S., c. 102, § 13.

CHAPTER 218.

AN ACT TO REGULATE THE SALE OF COAL BY MEASURE.

Amended. St. 1884, c. 70. P. S., c. 60, § 82.

CHAPTER 223, SECTION 5.

AN ACT GRANTING JURISDICTION IN EQUITY TO THE SUPERIOR
COURT.

Amended. St. 1884, c. 316. P. S., c. 151.

PUBLIC STATUTES.

CHAPTER 263.

AN ACT TO AMEND AN ACT RELATING TO THE ADULTERATION OF
FOOD AND DRUGS.

Repealed. St. 1884, c. 289, § 6.

ST. 1884.

CHAPTER 56.

AN ACT TO LIMIT THE LIABILITY WHICH MAY BE INCURRED BY
ANY ONE PERSON TO SAVINGS BANKS, ETC.

Repealed. St. 1884, c. 168. P. S., c. 116, § 20.

CHAPTER 255.

AN ACT TO ESTABLISH A REFORMATORY FOR MALE PRISONERS.

Added to. St. 1884, c. 331. P. S., c. 221.

PUBLIC STATUTES.

CHAPTER 1.

OF THE JURISDICTION OF THE COMMONWEALTH AND PLACES
CEDED TO THE UNITED STATES.

SECT. 1. Provision is made for defining the boundary between Massa-
chusetts and Rhode Island. St. 1883, cc. 113; 154.

SECT. 4. The United States are given concurrent jurisdiction with the
Commonwealth over lands of the United States Fish and Fisheries Com-
mission. St. 1882, c. 131.

CHAPTER 2.

OF THE GENERAL COURT.

The pay of members of the legislature is increased from \$500 to \$650.
St. 1884, c. 319.

SECTS. 17, 18. The compensation of the messengers is fixed at five dol-
lars per day, doorkeepers, assistant doorkeepers and postmaster at five
dollars per day and one hundred dollars in addition. and pages at three
dollars per day. St. 1882, c. 257, §§ 2, 3.

SECT. 21. The salaries of the clerks of the senate and house are in-
creased from \$2,500 to \$3,000. St. 1884, c. 329.

SECT. 22. Compensation of assistant clerks of senate and house increased to twelve hundred dollars, from nine hundred dollars. St. 1882, c. 257, § 1.

SECT. 22. The salaries of the assistant clerks of the senate and house are increased from \$900 to \$1,500. St. 1884, c. 334.

SECTS. 24, 35. The provisions relating to the annual election sermon are repealed. St. 1884, c. 60.

SECT. 27. The limit of the number of doorkeepers, assistant doorkeepers, messengers and pages is increased from twenty-five to thirty-two. St. 1882, c. 257, § 4.

SECT. 34. No session of the legislature, and public offices closed, on Monday, when Christmas falls on Sunday. St. 1882, c. 49.

CHAPTER 3.

OF THE STATUTES.

SECT. 1. When an act is required to be accepted by a municipal or other corporation, a return must be made by them of their action. St. 1883, c. 100.

SECT. 3. "Mayor and aldermen" shall mean "board of aldermen," unless provision is otherwise made, and except in case of appointments. St. 1882, c. 164.

"Net indebtedness" of towns, cities and districts in the laws regulating investments of banks, etc., shall be computed excluding water debts and crediting sinking funds. St. 1883, c. 127.

CHAPTER 4.

OF THE PRINTING AND DISTRIBUTION OF THE LAWS AND PUBLIC DOCUMENTS.

Tables of changes in the Public Statutes by subsequent legislation, and indexes, are to be prepared and published with such editions of the laws as the governor directs. St. 1882, c. 238.

SECT. 1. Five thousand five hundred copies of the blue book are to be printed, instead of four thousand five hundred. St. 1884, c. 166, § 1.

SECT. 7. "Of labor" is added after "bureau of statistics." St. 1882, c. 6, § 1.

The number of copies of reports to be printed is changed as follows:

Registration of births, etc., 2,000 instead of 3,000.

State library, trustees of lunatic hospitals, state workhouse and almshouse, 1,500 instead of 1,000. St. 1884, c. 166, § 2.

SECT. 9. The number of copies of the legislative manual is increased from 4,500 to 5,000, and a copy given to each town and city clerk. St. 1883, c. 55.

SECT. 10. St. 1882, c. 158, gives the assistant clerks the same documents as the clerks.

By Res. 1882, c. 57, a contract for the state printing for five years is to be made in the mode there provided.

CHAPTER 5.

OF THE STATE HOUSE. THE SERGEANT-AT-ARMS, AND STATE LIBRARY.

SECT. 10. The salary of the sergeant-at-arms is increased from \$2,500 to \$3,000. St. 1884, c. 333.

SECTS. 1, 13. The Commonwealth Building is put in charge of the same officials and committee as the state house, and the janitor and fireman on Pemberton Square are transferred to that building. St. 1884, c. 14.

SECT. 18. Two thousand dollars, instead of eighteen hundred, given for assistance in the library. St. 1882, c. 29.

SECT. 20. The amount appropriated for books, furniture, etc., increased to \$3,300. St. 1882, c. 196.

CHAPTER 6.

OF THE QUALIFICATION AND REGISTRATION OF VOTERS.

Is repealed and a new chapter substituted. St. 1884, c. 298.

CHAPTER 7.

OF THE MANNER OF CONDUCTING ELECTIONS AND RETURNING VOTES.

SECTS. 36, 52. Where the ballots are recounted, the candidates must be notified, and may be present personally or by an agent appointed in writing. St. 1883, c. 42.

SECT. 45. If the copies of the records of votes are incomplete or erroneous, new copies may be required. Wilful neglect to furnish them is punished. St. 1882, c. 28, §§ 1, 2.

An abstract of the returns, and a statement of all cases where corrected returns have been received, are furnished to newspapers applying, and the copies are open to inspection by persons interested. St. 1882, c. 28, § 3.

Detached stickers, or separate pieces of paper of a surface of less than six square inches, are not to be counted, but are preserved. St. 1882, c. 260.

This chapter, with the acts amending it, is revised. St. 1884, c. 299.

§§ 1, 2, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 34, 36, 38, 39, 51, 52, 55, 62 are repealed, and the other sections amended. St. 1884, c. 299, § 44.

CHAPTER 9.

OF THE ELECTION OF REPRESENTATIVES IN CONGRESS AND ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

SECTS. 1, 2, fixing the congressional districts, are superseded by the new act. St. 1882, c. 253.

CHAPTER 11.

OF THE ASSESSMENT OF TAXES.

SECT. 4, describing taxable personal estate, is amended in the line reading, "but not including in such debts due any loan on mortgage of real," by striking out "due" and inserting in its place "or indebtedness." St. 1882, c. 76.

SECT. 5, Cl. 3. The exemption given to literary, scientific, and charitable institutions, is lost by wilfully omitting to bring in the list required, but it does not apply to corporations making returns to the insurance commissioner. St. 1882, c. 217, § 2.

The property of the Lynn Workingman's Aid Association is exempt. St. 1884, c. 184.

SECT. 5, Cl. 9. The property of unincorporated horticultural societies, used for offices, libraries and exhibitions, is exempt. St. 1884, c. 176.

SECT. 14, which provides for the taxation of mortgaged real estate, and prevents double taxation, is amended by St. 1882, c. 175.

SECT. 20. Two classes are added: 8th, personal property held by an assignee in insolvency, or by an assignee for creditors, is assessed to him. 9th, held by joint owners, not partners, to them according to their respective interests. St. 1882, c. 165.

SECT. 38. A return of mortgaged real estate, giving the amount of the mortgage, is provided for in the law as to double taxation. St. 1882, c. 175.

A return of property held for literary, benevolent, charitable, or scientific purposes, and of the receipts and expenditures, is required of persons and corporations, except such as make return to the insurance commissioner under Pub. St., c. 115, § 11. St. 1882, c. 217.

SECT. 52. The title of the first column of the valuation book is changed from "Names of Persons Assessed" to "Names and Residences of Persons Assessed." St. 1883, c. 41, § 1.

SECT. 53. In column one, the street and number is to be added to the name. St. 1883, c. 41, § 2.

SECTS. 54, 55. Copies of the assessors' books, instead of being deposited with the secretary of state on the fifth and tenth years, are to be deposited every third year, beginning with 1883. The copy of the table of aggregates is to be deposited each year, instead of eight years out of ten. St. 1883, c. 91.

SECT. 71. On appeal, taxes may be abated. The county commissioners are given power to allow costs, but not taxable costs, to one who filed no list. St. 1882, c. 218.

SECT. 90. The assessors, in addition to the statement of the exempt property which they were required to forward to the tax commissioner, must now send all lists and statements filed by persons or corporations holding property for literary, benevolent, charitable, or scientific purposes. St. 1882, c. 217, § 3.

SECT. 91. In addition to the debts and assets, the amount of sinking funds, or annual proportionate payments of debts must be given. St. 1882, c. 133, § 2.

SECT. 92. The return as to steam-boilers in Boston is to be made by the inspector of buildings. St. 1882, c. 252, § 5.

CHAPTER 12.

OF THE COLLECTION OF TAXES.

SECT. 35. The surplus from tax sales is to be deposited in the city or town treasury, and paid over by the city or town. St. 1884, c. 162, § 4.

SECT. 39. The objections to the title must be stated if an offer to surrender a tax deed is made, and the time for surrender is limited. St. 1882, c. 243, § 3.

SECT. 40. The sum at which the collector may purchase is made to cover all subsequent taxes, assessments, interest and charges. St. 1884, c. 242.

SECT. 50. Every person acquiring a tax-title must file his address with the treasurer, and if a non-resident, must appoint an agent. St. 1882, c. 243, §§ 1, 2.

SECT. 58. Towns are required to sell lands taken or purchased for taxes, within two years, instead of forthwith. St. 1883, c. 101.

The sale is made by the collector for the time being. St. 1884, c. 242.

CHAPTER 13.

OF THE TAXATION OF CORPORATIONS.

SECT. 6. The tax commissioner must furnish blanks for the returns of property and income held for literary, benevolent, charitable, or scientific purposes. St. 1882, c. 217, § 3.

It would appear that he should send the blanks for steam-boiler returns in Boston, to the inspector of buildings, and not to the assessors. St. 1882, c. 252, § 5.

SECTS. 17, 40. Title insurance companies are taxed under these sections. St. 1884, c. 180.

SECT. 20. The time during which real estate held by savings banks, by foreclosure or purchase at mortgage sales is exempt, is extended. See c. 116, § 20, cl. 8. St. 1883, c. 248.

SECT. 42. Every corporation or association for mining, quarrying, or getting earth oils, or holding lands, organized out of the Commonwealth, which opens an office in the Commonwealth, must pay a tax; and the officers and agents here are liable for such taxes. St. 1882, c. 106. St. 1883, c. 74.

CHAPTER 14.

OF THE MILITIA.

SECT. 23. One or more of the infantry regiments may be trained as heavy artillery. St. 1882, c. 97.

SECTS. 22, 25. The signal corps is attached to the brigade staff. St. 1884, c. 230, §§ 1, 3.

SECT. 23. The direction as to the companies and battalions is repealed. St. 1884, c. 230, § 2.

SECT. 30. The regimental bands are increased from eighteen to twenty-four pieces. St. 1884, c. 230, § 4.

SECT. 31. Officers of the signal corps are allowed horses. St. 1884, c. 230, § 5.

SECTS. 35, 54. Medical officers are hereafter to be examined by three medical officers. St. 1884, c. 230, §§ 6, 8.

SECT. 54. Failure to pass the board of examiners at any time when ordered before them, causes discharge. St. 1884, c. 230, § 9.

SECT. 59. In case of vacancy in the office of captain, the commanding officer of the regiment or battalion appoints a recruiting officer. St. 1884, c. 230, § 7.

SECT. 69. An enlisted man may also be discharged on the application of his company commander, approved by superior officers. St. 1884, c. 230, § 10.

SECT. 78. Military property is to be returned "immediately." St. 1884, c. 230, § 11.

SECT. 80. Commanders of companies shall receive fifty dollars per annum for care of the property. St. 1884, c. 45.

SECT. 91. The grand army may be allowed to use the state camp ground. Res. 1882, c. 15.

SECT. 108. Parade for drill may be in September or October, as well as in May or June. St. 1884, c. 230, § 12.

SECT. 109. The encampment may be in June. St. 1884, c. 230, § 13.

SECT. 111. The report is to be made by the inspector-general to the commander-in-chief. St. 1884, c. 230, § 14.

SECT. 127. To the associations which may parade with arms are added associations of honorably discharged soldiers, at the decoration of soldiers' graves. St. 1882, c. 179.

Applications for leave to parade with arms must be approved by the town or city authorities. St. 1884, c. 230, § 15.

SECT. 130. St. 1882, c. 178, revises and amends the compensation of the militia, and the allowance for horses and forage.

SECT. 150. Fines under by-laws may be collected by suit. St. 1884, c. 230, § 16.

By St. 1882, c. 112, the amount now in the state treasury on account of bounties and allotments to soldiers is transferred to the bounty loan sinking fund. Claims against it are to be filed with the auditor, and allowed by him.

CHAPTER 15.

OF THE EXECUTIVE DEPARTMENT, AND THE SECRETARY OF THE COMMONWEALTH.

SECT. 1. The salary of the governor, after this year, is \$5,000, instead of \$4,000. St. 1884, c. 328.

SECT. 6. The salary of the executive clerk is raised from \$1,200 to \$1,500. St. 1884, c. 8.

The salary of the executive messenger is raised from \$800 to \$900. St. 1884, c. 38.

SECT. 9. The salary of the secretary of the Commonwealth is raised from \$2,500 to \$3,000. St. 1884, c. 79.

SECT. 10. The salary of the third clerk of the secretary is increased from \$1,200 to \$1,300. St. 1883, c. 48.

SECT. 10. The allowance of the secretary of the Commonwealth for clerk hire is increased from \$10,000 to \$11,000. St. 1884, c. 15.

SECT. 15. The duty of furnishing blank forms for returns of criminal cases pending is transferred from the secretary to the commissioner of prisons. St. 1882, c. 226.

CHAPTER 16.

OF THE AUDITOR, TREASURER, AND MATTERS OF FINANCE.

The par of exchange established by U. S. Rev. St., § 3565, is adopted. St. 1882, c. 110.

SECT. 7. Instead of requiring the auditor's report to be submitted by January 15, he is required to submit an abstract by January 30, and the full report as soon as may be. St. 1884, c. 207.

SECT. 17. The treasurer is allowed one more extra clerk. St. 1882, c. 111.

SECT. 28. Provision is made for advancing a limited amount of money to officers authorized to expend it for small expenses. St. 1884, c. 179.

SECT. 52. Money from sales of public property must be accompanied by a sworn itemized account, approved by proper officers. St. 1884, c. 326.

SECT. 60. The authorized investments of the state funds are increased. St. 1882, c. 130.

CHAPTER 17.

OF THE ATTORNEY-GENERAL AND THE DISTRICT-ATTORNEYS.

The salary of the district-attorney for the eastern district is raised from \$1,800 to \$2,400, and he is given an assistant at \$1,000 per annum. St. 1882, c. 156, 157.

The salaries of the first and second assistant district-attorneys for the Suffolk district are raised from \$2,400 and \$2,000 respectively, to \$2,500. St. 1882, c. 245, § 2.

CHAPTER 18.

OF NOTARIES PUBLIC AND COMMISSIONERS TO ADMINISTER OATHS OF OFFICE AND TO TAKE ACKNOWLEDGMENTS OF DEEDS, ETC.

Women who are attorneys may be appointed special commissioners to administer oaths and take acknowledgments and depositions. St. 1883, c. 252.

CHAPTER 19.

OF THE BOARD OF HARBOR AND LAND COMMISSIONERS.

SECT. 7. St. 1882, c. 48, establishes the harbor lines at East Boston; c. 103, at Gloucester.

The harbor lines in Gloucester are changed. St. 1883, c. 109.
In Haverhill are established. St. 1883, c. 104.

CHAPTER 20.

OF THE STATE BOARD OF AGRICULTURE.

St. 1882, c. 212, establishes an agricultural experiment station at the Massachusetts Agricultural College in Amherst.

The board of control must report annually. St. 1883, c. 105.

SECT. 4. The salary of the secretary is raised from \$2,000 to \$2,500. St. 1883, c. 184.

The sum allowed to the secretary of the board of agriculture for clerical services, besides his regular clerk and for lectures, is increased from \$400 to \$800. St. 1884, c. 66.

CHAPTER 22.

OF COUNTIES AND COUNTY COMMISSIONERS.

SECT. 15. The sessions of the county commissioners in Berkshire are changed from the first Tuesdays of April, July, and September, and the last Tuesday of December, to the first Tuesday of January, April, July, and October. St. 1883, c. 63.

CHAPTER 23.

OF COUNTY TREASURERS AND COUNTY FINANCES.

SECT. 2. The salary of the treasurer of Hampden county is raised from \$1,200 to \$1,500. St. 1884, c. 112.

CHAPTER 24.

OF REGISTERS OF DEEDS.

SECT. 5. Worcester county is divided for registry purposes, and Fitchburg, Lunenburg, Leominster, Westminster and Ashburnham are made the Northern District, and provision is made for the appointment of a register and the transfer of papers. St. 1884, c. 40.

CHAPTER 25.

OF SHERIFFS.

SECT. 22. The sheriff of Dukes county is given the fees in addition to his salary. St. 1884, c. 209.

CHAPTER 26.

OF MEDICAL EXAMINERS.

SECT. 2. A new district is made in Franklin county, for which a new examiner is to be appointed. St. 1884, c. 321.

SECT. 25. The same fees are allowed to witnesses and officers at inquests as in criminal prosecutions before trial justices. St. 1883, c. 61.

CHAPTER 27.

OF TOWNS AND TOWN OFFICERS.

Towns and cities may devote a part of their territory to forest trees for the wood and timber, or the preservation of their water supply. They may take or purchase land. The State Board of Agriculture is given charge of such lands. The town or city may erect buildings for instruction or recreation thereon, and borrow money. St. 1882, c. 255.

Towns and cities may lay out public parks and take lands, assess betterments, and borrow money. St. 1882, c. 154.

SECT. 10. Towns may vote money for erecting headstones or monuments and keeping the same in repair, for soldiers or sailors in the national wars. St. 1884, c. 42.

SECTS. 44, 45, 46, 47, 48, 49, with reference to telegraph wires, shall apply also to wires for electric light. St. 1883, c. 221.

SECT. 60. Moderators and town clerks may appoint tellers to assist in counting votes or checking names. St. 1883, c. 229.

SECT. 65. A town, on accepting certain statutes, may elect three, five, seven or nine assessors, the term of office being three years, part going out each year; or four assessors, the term being two years, half going out each year. St. 1883, c. 203, § 1.

SECT. 69. It may in the same way choose three, five, seven or nine overseers of the poor. St. 1883, c. 203, § 2.

CHAPTER 28.

OF CITIES.

“Mayor and aldermen,” unless otherwise provided, means board of aldermen, except in case of appointments. St. 1882, c. 164.

In case of death, resignation, absence, or inability of mayor, the office devolves on the chairman of the aldermen, if any; then on the president of the common council. He is styled acting mayor. He can make no permanent appointments. St. 1882, c. 182.

SECT. 7. Where the mayor presides in the board of aldermen, he has no vote there or in joint convention. St. 1882, c. 180.

SECT. 14. In taking the state census provision is made for returning separately the inhabitants and legal voters on separate streets, for use in the new division of wards. St. 1884, c. 181, § 9.

SECT. 14. The time when the new division of wards in cities goes into effect is changed from November 10th to December 15th. St. 1884, c. 125.

CHAPTER 29.

OF MUNICIPAL INDEBTEDNESS.

SECTS. 7, 8 Towns and cities may issue bonds, notes or scrip, with interest not over six per cent., in the manner now provided. St. 1884, c. 129.

SECT. 9. A fixed annual appropriation may be a substitute for a sinking fund, if the town or city so vote. St. 1882, c. 133.

CHAPTER 30.

OF AID TO SOLDIERS AND SAILORS AND TO THEIR FAMILIES.

SECTS. 2, 9. State aid is extended from 1885 to January 1st, 1890. St. 1884, c. 34.

CHAPTER 31.

OF THE CENSUS, THE BUREAU OF STATISTICS OF LABOR AND THE BOARD OF SUPERVISORS OF STATISTICS.

SECTS. 1-12. The provisions for the state census are revised. St. 1884, c. 181.

SECTS. 13, 15. The chief of the bureau of statistics of labor is given a second clerk at \$1,300 a year. St. 1884, c. 4.

CHAPTER 32.

OF THE REGISTRY AND RETURN OF BIRTHS, MARRIAGES AND DEATHS.

SECT. 5. A certificate approved by the board of health, where there is one, is required before the removal of bodies as well as before burial.

No body of a person dying from certain diseases can be transported until securely encased; and no permit to remove can be given until the board of health or selectmen have given a certificate of the cause of death and that the body has been so encased. This certificate goes with the body. St. 1883, c. 124.

SECT. 7 is amended, by requiring physicians and midwives to report additional facts, and giving them a fee of twenty-five cents for doing it. St. 1883, c. 158.

CHAPTER

OF THE CIVIL SERVICE.

The appointment of officers in the government of the Commonwealth and of the cities is regulated. St. 1884, c. 320.

CHAPTER 39.

OF DONATIONS AND CONVEYANCES FOR PIOUS AND CHARITABLE USES.

SECTS. 1, 2. Churches or religious societies may appoint trustees who, with their successors, shall be a body corporate for the purposes of this section. St. 1884, c. 78.

CHAPTER 40.

OF LIBRARY ASSOCIATIONS.

SECT. 6. The amount which may be paid to the county law libraries is increased from \$1,500 to \$2,000. St. 1882, c. 246.

PUBLIC STATUTES.

CHAPTER 43.

OF THE SCHOOL FUNDS.

SECT. 3. The distribution of the half of the school fund not specifically appropriated is changed, increasing the amount for smaller towns. St. 1884, c. 22.

CHAPTER 44.

OF THE PUBLIC SCHOOLS.

SECT. 1. The use of hand tools may be taught if deemed expedient. The tools are to be furnished by the town and loaned to the scholars. St. 1884, c. 69.

SECT. 2. Towns and cities of over ten thousand inhabitants must maintain evening schools, with certain studies. The terms, hours, and regulations are fixed by the school committee. St. 1883, c. 174.

SECT. 36. Text-books and school supplies shall be purchased and loaned to the pupils. St. 1884, c. 103.

CHAPTER 45.

OF SCHOOL DISTRICTS.

The school district system abolished January 1, 1882, and the affairs of the districts are to be closed. St. 1882, c. 219.

SECT. 8. Towns are given the right to sue or defend for abolished school districts. St. 1884, c. 122.

CHAPTER 47.

OF THE ATTENDANCE OF CHILDREN IN THE SCHOOLS.

SECT. 9. No child can attend school while any member of its family is sick with small-pox, diphtheria or scarlet fever, or until two weeks after their recovery. St. 1884, c. 64.

CHAPTER 48.

OF THE EMPLOYMENT OF CHILDREN, AND REGULATIONS
RESPECTING THEM.

SECT. 1. No child under twelve years of age shall be employed during school hours. St. 1883, c. 224.

SECT. 14 is changed, so that three or more cities or towns in each of two, three or four contiguous counties may require the establishment of a union truant school, and the clause with reference to Norfolk, Bristol, Barnstable and Plymouth counties is repealed. St. 1884, c. 155.

SECT. 18. Poor children in need of immediate relief, are to be provided for by the board of health, lunacy and charity, and courts may commit children who are growing up without education or salutary control, or who

are dependent on public charity to such board, if they have no settlement, or to the overseers of the poor, if they have. St. 1882, c. 181.

If any parent abandons a child under two years old, or neglects to support it, or having contracted for its maintenance fails to perform such contract, he is punished. Every person receiving a child under one year old, knowing, or having reason to believe it illegitimate, must at once notify the overseers of the poor. The parents must answer all questions as to its residence, parentage, and place of settlement. St. 1882, c. 270.

St. 1882, c. 270, § 4, is amended by allowing the fine to be paid to the person or corporation who has supported the neglected child. St. 1884, c. 210.

SECT. 19 provides that only persons appointed by the towns and the officers and agents of the society for the prevention of cruelty to children shall make complaints under the preceding section. It is now added that they alone shall carry into effect the judgments thereon. St. 1883, c. 245.

CHAPTER 49.

OF THE LAYING OUT AND DISCONTINUANCE OF WAYS, AND OF DAMAGES OCCASIONED BY THE TAKING OF LAND FOR PUBLIC USES.

Land may be taken for parks. St. 1882, c. 154.

For the cultivation of trees. St. 1882, c. 255.

Public landing places already existing, may be laid out and defined. St. 1882, c. 109.

SECT. 18. A provision is inserted providing for the payment by the trustee of any rent, or charge to the reversioner, or remainder-man, and the language is changed in other respects. St. 1883, c. 253.

SECT. 47. The pay of the officer who attends the sheriff's jury is raised from one dollar and one-half to four dollars per day. St. 1882, c. 96.

CHAPTER 50.

OF SEWERS, DRAINS, AND SIDEWALKS.

SECT. 8. Land sold for sewer assessments may be redeemed as if sold for taxes. St. 1883, c. 145.

CHAPTER 51.

OF BETTERMENTS AND OTHER ASSESSMENTS ON ACCOUNT OF THE COST OF PUBLIC IMPROVEMENTS.

The betterment act is extended to alterations of ways at railroad crossings. St. 1884, c. 280.

The authorities may agree to assume betterments for streets or parks if the landowner will release damages. St. 1884, c. 226.

Betterments bear interest after thirty days, and the lien continues for one year after the end of suits to test their validity. St. 1884, c. 237.

CHAPTER 52.

OF THE REPAIR OF WAYS AND BRIDGES.

SECT. 19. The notice of injury shall not be invalid for any unintentional inaccuracy if the party entitled to notice was not misled. St. 1882, c. 36.

CHAPTER 53.

OF THE REGULATIONS AND BY-LAWS RESPECTING WAYS AND BRIDGES.

SECT. 18 is so modified that the county commissioners can regulate travel over bridges to whose construction or maintenance the county contributes. It also gives jurisdiction over the violations of such regulations to the courts in the town where the bridge terminates. St. 1882, c. 108.

CHAPTER 54.

OF THE BOUNDARIES OF HIGHWAYS AND OTHER PUBLIC PLACES,
AND ENCROACHMENTS THEREON.

No barbed wire fence can be built against a sidewalk. St. 1884, c. 272.

CHAPTER 56.

OF THE INSPECTION AND SALE OF BUTTER, CHEESE, LARD, FISH,
HOPS, LEATHER AND POT AND PEARL ASHES.

SECT. 17. In the mark or label, "imitation butter" is substituted for "adulterated butter." St. 1884, c. 310, § 1.

SECT. 20. Inspectors may enter places where butter or cheese is stored or kept for sale, and interference with their duties is punished. St. 1884, c. 310, § 2.

CHAPTER 57.

OF THE INSPECTION AND SALE OF MILK.

The milk act is not repealed or amended by subsequent legislation as to adulterations. St. 1884, c. 289, § 4.

SECT. 2 is revised. Milk for analysis is to be delivered to them instead of their taking it. The clause making the certificate of analysis evidence is omitted. A part of the sample analyzed is to be kept for the defendant. St. 1884, c. 310, §§ 3, 4.

SECT. 8. Obstructing inspectors is made an offence. St. 1884, c. 310, § 5.

CHAPTER 58.

OF THE INSPECTION AND SALE OF PROVISIONS AND ANIMALS
INTENDED FOR SLAUGHTER.

Poultry not alive, may not be sold or exposed for sale unless dressed. St. 1883, c. 230.

The adulteration of any drug or article of food is punished. Adulteration is defined. St. 1882, c. 263.

An appropriation is made to enforce the adulteration act. An annual report by the state board is required. St. 1884, c. 289, §§ 1, 2.

The adulteration act does not apply to mixtures recognized as ordinary articles of food, nor to drugs where the standard has been raised or an inferior article is ordered or is known to the purchaser. St. 1884, c. 289, §§ 5, 7.

A part of the sample provided for must be furnished to the defendant. St. 1884, c. 289, § 8.

St. 1883, c. 263, is repealed. St. 1884, c. 289, § 6.

CHAPTER 59.

OF THE INSPECTION AND SALE OF CERTAIN OILS.

SECT. 7, which forbids kerosene to be sold for illuminating purposes unless inspected, is changed in phraseology, and a clause added giving towns and cities power to regulate its inspection. St. 1882, c. 250.

CHAPTER 60.

OF THE INSPECTION AND SALE OF VARIOUS ARTICLES.

SECT. 17, which provides the mode of issuing licenses to sell commercial fertilizers, is repealed. St. 1883, c. 29.

SECT. 20. A crate of cranberries containing thirty-two quarts, level measure, is made a legal measure, and all barrels or quarts must be branded "Massachusetts standard measure," and if of less capacity, there is a penalty. St. 1884, c. 161.

SECTS. 69-71. The adulteration of vinegar is forbidden, and its purity regulated. St. 1884, c. 307.

SECT. 69. Vinegar not made exclusively of apple cider, or into which foreign substances have been introduced, may not be sold as cider vinegar. St. 1883, c. 257, § 1.

SECT. 71. Compensation may be provided for the inspector of vinegar, or he may recover a reasonable compensation for his services. St. 1883, c. 257, § 2.

Cities or towns may pay inspectors of vinegar appointed under St. 1880, c. 113. St. 1884, c. 163.

SECT. 82. Coal sold in amounts less than five hundred pounds must be sold in measures of the dimensions prescribed, and any person who uses or has with the intention to use any other measure is punished. St. 1883, c. 218.

The baskets and measures provided by St. 1883, c. 218, shall be stamped with their capacity by the sealer, and the coal shall be delivered in them under a penalty. St. 1884, c. 70.

CHAPTER 65.

OF WEIGHTS AND MEASURES.

SECT. 8. Sealers of weights and measures are to be appointed in cities by the mayor and aldermen, and not by the city council. St. 1882, c. 42.

SECT. 21. Unlawful weights and measures may be seized. St. 1883, c. 225.

CHAPTER 68.

OF HAWKERS AND PEDLERS.

SECT. 2. Cities and towns may regulate the sale of any articles permitted to be sold by section 1, by any hawker or pedler, and not as now the sale by minors alone, and may impose penalties not over twenty dollars, but no fees can be imposed unless now lawful. St. 1883, c. 168.

SECT. 9. The secretary of the Commonwealth may grant licenses to persons recommended by the towns or cities, as stated in section 4, who are over seventy years of age, without any fee. St. 1883, c. 118.

CHAPTER 68.

OF SHIPPING AND SEAMEN, HARBORS AND HARBOR-MASTERS.

SECT. 23. Injury to harbors by materials thrown in forbidden. The harbor commissioners may forbid injurious changes on the shores. St. 1884, c. 269.

SECT. 25. Assistant harbor-masters may be appointed as well as harbor-masters, and shall be subject to their control. St. 1882, c. 216.

SECTS. 26, 29, 33 are amended to give the harbor-master power to require vessels to change their place of anchorage, and masters of tug-boats and pilots must cause vessels in their charge to anchor under his direction. He may recover the expense of moving them, if not anchored as he requires.

The penalty in § 33 is made to cover any violation of §§ 23 to 32. St. 1884, c. 173.

CHAPTER 70.

OF PILOTS AND PILOTAGE.

Pilots, in addition to those now allowed by law, may be appointed, except for the port of Boston. Where the recommendation of a society is now required, they shall not be appointed without a certificate from the society, unless it neglects for three months to pass upon their qualifications. St. 1882, c. 174.

If an inward-bound vessel passes a line fixed, she is not liable to pilotage. St. 1884, c. 252, § 1.

Exempt vessels may require a pilot, and shall then pay him. St. 1884, c. 252, § 5.

SECT. 20. Whaling vessels outward-bound from New Bedford are exempt from the pilotage law. St. 1884, c. 213.

SECT. 30. The limit of half fees is increased from two hundred to three hundred and fifty tons, and such vessels are not held for fees out unless they take a pilot. St. 1884, c. 252, §§ 2, 3.

SECT. 32. In the list of vessels exempt from compulsory pilotage are omitted "all single decked coasting vessels of not more than three hundred and fifty tons." St. 1884, c. 252, § 4.

SECT. 39. Persons other than pilots may not assume or continue to act as such when pilots can be got. St. 1884, c. 252, § 6.

CHAPTER 74.

OF THE EMPLOYMENT OF LABOR.

Employers must furnish seats for females employed. St. 1882, c. 150.

Manufacturers may sound bells, gongs, and whistles as signals to their workmen, at such hours and of such size, as the town or city authorities may, in writing, permit. St. 1883, c. 84.

SECT. 4. The ten-hour law is made to apply to manufacturing and mercantile establishments. St. 1883, c. 157.

This section, as amended in 1883, shall not apply to mercantile establishments. St. 1884, c. 275, § 4.

Employment of minors under eighteen in mercantile establishments, for more than sixty hours a week, is forbidden. Certificate of age is *prima facie* evidence of it. Printed notices must be posted, giving the hours of labor. St. 1884, c. 275, §§ 1, 2, 3.

CHAPTER 77.

OF MONEY, BILLS OF EXCHANGE, PROMISSORY NOTES, AND CHECKS.

SECT. 1. The par of the United States, Rev. St. § 3565, is adopted. St. 1882, c. 110.

SECT. 8. The day following Christmas is made a holiday when Christmas falls on Sunday. St. 1882, c. 49.

CHAPTER 77a.

OF THE ENCOURAGEMENT OF AGRICULTURE.

A bounty of one dollar a ton is given for sugar made from beets or sorghum, under the regulations stated. St. 1883, c. 189.

CHAPTER 80.

OF THE PRESERVATION OF THE PUBLIC HEALTH, AND THE PROTECTION OF INFANTS.

SECT. 60. Persons boarding illegitimate children under one year old, must give notice to the overseers of the poor. St. 1882, c. 270, § 3.

SECT. 79. The local board of health must within twenty-four hours

notify the state board, of cases of small-pox, or it forfeits the town's claim to reimbursement. St. 1883, c. 138.

SECTS. 78, 79. Householdors and physicians must report cases of diphtheria and scarlet fever, in addition to small-pox and other diseases dangerous to the public health, as before provided, and record of such reports shall be kept on blanks furnished by the state. Rooms and articles are to be disinfected to the approval of the board of health. St. 1884, c. 98.

SECT. 88. The appellant from an order as to offensive trades, applies for his jury to the court in the county where the premises are; not as now, where the order is made. St. 1883, c. 133.

SECT. 96. Bathing in ponds used for water supply for cities or towns, is forbidden. St. 1884, c. 172.

The supreme judicial or superior court may, on the application of a city or town, enjoin violations of this section. St. 1884, c. 154, § 1.

SECTS. 98, 99, 100, giving state board supervision of sources of water supply and power to make orders about them, are repealed. St. 1884, c. 154, § 2.

CHAPTER 82.

OF CEMETERIES AND BURIALS.

SECT. 6. Conveyances of burial lots, recorded by the corporation owning the cemetery, require no other record. St. 1883, c. 142.

SECT. 17. Towns and cities may receive funds for the care and improvement of burial places, public or private, and of lots therein. St. 1884, c. 186.

CHAPTER 84.

OF THE SUPPORT OF PAUPERS BY CITIES AND TOWNS.

SECT. 6. Not only the kindred of the pauper, but the pauper himself, is liable for expenses incurred for him. St. 1882, c. 113.

SECT. 21. Destitute and deserted children may be placed in St. Mary's infant asylum as well as in the Massachusetts infant asylum. St. 1883, c. 232.

CHAPTER 86.

OF ALIEN PASSENGERS AND STATE PAUPERS.

SECT. 13. The present board is abolished, and a new one for both the almshouse and workhouse established and regulated. It may transfer inmates. St. 1884, c. 297.

SECT. 28 is repealed and provision is made that idiots may be sent to the school for the feeble-minded. The trustees there may receive them or send them home, or to the state almshouse, or to the place of their settlement. St. 1883, c. 239, § 5.

SECT. 46. The age until which children, who are state paupers, may be placed by the state board in private families, is raised from two to three years. St. 1882, c. 181, § 1.

SECT. 46, as amended, applies to St. Mary's infant asylum, but indigent

and neglected infants without settlement are to be committed to the state board of health, which board shall provide for them as they judge best for each child. St. 1883, c. 232, § 3.

CHAPTER 87.

OF LUNACY AND INSTITUTIONS FOR LUNATICS.

SECT. 2. A new hospital is established at Westborough under homœopathic treatment. St. 1884, c. 322.

SECT. 4. The number of the trustees of the state lunatic hospitals is increased from five to seven, and five shall be men, and two women. St. 1884, c. 149.

SECT. 7. An educated female physician is to be appointed for each state lunatic hospital, January 1st, 1885. St. 1884, c. 116.

SECTS. 26-46. Provision is made for asylums for the chronic insane in cities of over fifty thousand inhabitants. St. 1884, c. 234.

SECT. 34. The support of insane persons sentenced to the state prison, or accused of felony and committed by order of court, is paid by the state. St. 1883, c. 148.

SECT. 37. The punishment of persons leaving the almshouse and begging is increased. St. 1884, c. 258, § 1.

SECT. 40. The trustees of the state hospitals and of the Massachusetts General Hospital may confer on their superintendents power to discharge patients after notice to the person who signed the petition for commitment. The superintendents may allow any inmate to be taken away by his friends for a period of not over sixty days. St. 1883, c. 78.

SECT. 55. The name of the Massachusetts School for Idiotic and Feeble Minded Youth is changed to the Massachusetts School for the Feeble Minded. St. 1883, c. 239, § 1.

SECT. 56. The mode of committing to the school is regulated. See chapter 86, § 28. The powers of the trustees are increased and the payments for the support of patients provided for, and the recovery of the expense of such support in case of paupers. Scholars may be received from other states or provinces. The trustees may discharge patients, or send them home, or to the place of their settlement, or to the state almshouse, or allow them to be absent on visits of not over three months. St. 1883, c. 239.

SECTS. 55, 56. Applicants for the admission of persons to the School for Feeble Minded must give notice to the mayor or selectmen, and prove the giving of it to the judge. St. 1884, c. 88.

CHAPTER 88.

OF THE STATE WORKHOUSE.

SECT. 1. The present board is abolished, and a new one for both the almshouse and workhouse established and regulated. It may transfer inmates. St. 1884, c. 297.

SECT. 8. Persons not sentenced, who escape and are within one year found soliciting charity, are punished. St. 1884, c. 258, § 1.

CHAPTER 89.

OF THE STATE PRIMARY AND REFORM SCHOOLS, AND THE VISITATION AND REFORMATION OF JUVENILE OFFENDERS.

SECT. 3. Provision is made for the care and maintenance of pauper children between the ages of three and sixteen, at the state primary school, when they have no settlement. St. 1882, c. 181, § 2.

SECTS. 8 *et seq.* The state reform school is changed to the Lyman School for boys. St. 1884, c. 323, §§ 1, 2.

SECT. 18. Before a warrant can issue for the arrest of any child under twelve, a summons to him must first issue. If he fails to appear, then a warrant. St. 1882, c. 127.

SECTS. 18, 23, 24. No boy shall be committed to the Lyman School for boys if over fifteen. If error is made in his age, the sentence may be revised. St. 1884, c. 323, § 3.

SECT. 20. The last clauses of this section, providing for notice to the board of health, are so changed that notice is given only when the judge would, on conviction, send the child to a public institution or to the custody of that board, and notice to the mayor or selectmen is no longer required. St. 1883, c. 110.

SECT. 21. A child under twelve cannot be committed in default of bail, except to the custody of the state board of health, lunacy and charity, except in cases of offences punishable by imprisonment for life, or of truancy. St. 1882, c. 127.

SECT. 23. No boy over fifteen can be sent to the reform school at Westborough. St. 1884, c. 255, § 11.

SECTS. 26-29. No child under twelve can be punished by confinement in a jail, house of correction, the house of industry in Boston, or at the state workhouse, except for crimes punishable by imprisonment for life, or truancy. St. 1882, c. 127.

CHAPTER 90.

OF CONTAGIOUS DISEASES AMONG CATTLE, HORSES AND OTHER DOMESTIC CATTLE.

SECT. 90. The cattle commissioners are to investigate the disease among neat cattle known as abortion. St. 1884, c. 232.

CHAPTER 91.

OF INLAND FISHERIES AND KELP.

A penalty is imposed on persons taking fish caught in nets, etc., without the owner's consent, or wilfully interfering with such nets, etc. St. 1882, c. 53.

Striped bass, or bluefish, are protected in Edgartown. St. 1882, c. 65.

Fishing near Brandt Island in Mattapoisett (St. 1884, c. 214, § 2), and in Mashpee and Barnstable, is regulated. St. 1884, c. 264.

SECTS. 10-24. With certain exceptions nets may not be used in ponds. St. 1884, c. 318.

SECTS. 32, 33. Taking of alewives in county of Dukes County regulated with penalty and forfeiture, amending next. St. 1884, c. 245.

The lessees of Great Pond and Job's Neck Pond, in Edgartown, are allowed to take smelt and alewives at all seasons, but no other person may take any fish but eels. St. 1882, c. 102.

SECT. 36 is changed to allow nets or seines in the Merrimack River, below the Essex Merrimack Bridge, after June 20. St. 1882, c. 166.

The size of mesh in the seine is limited. St. 1884, c. 317.

The commissioners may issue licenses to take protected fish in the tidal waters of the Merrimack and its tributaries, but shall charge no fee therefor. St. 1883, c. 121.

SECTS. 36-39. Shiners, for bait, may be caught with seines in the Merrimack in November and December, except near fishways, other fish being returned. St. 1883, c. 31.

SECT. 41. The North River in Plymouth County is excepted from this section, and fishing there is regulated. St. 1884, c. 199.

SECTS. 51-53. The open time for trout, land-locked salmon and lake trout is extended from the first of October to April, to from the first of September to April. St. 1884, c. 171.

SECTS. 81, 82, which regulate the catching of lobsters, are amended by reducing the time from "June 20 to September 20," to the month of July, and changing "lobster" to "female lobster, bearing eggs." St. 1882, c. 98.

SECT. 84. The possession of a lobster under the legal size is made a crime, the words "with intent to sell" being stricken out. Mutilation affecting lengths is *prima facie* evidence that the lobster is under size. The commissioners of inland fisheries, with assistance of the district police, have power to enforce the law. St. 1884, c. 212.

SECTS. 97-107. Oyster licenses may be granted for any waters where there is no natural oyster bed. St. 1884, c. 284.

SECT. 97. Oyster licenses are limited to ten years instead of twenty. St. 1884, c. 284.

CHAPTER 92.

OF THE PRESERVATION OF CERTAIN BIRDS AND OTHER ANIMALS.

Game artificially propagated on land where shooting or trapping is forbidden, belongs to the landowner. St. 1884, c. 308, § 2.

SECT. 3. Wild ducks and fowl are protected in certain ponds. St. 1884, c. 282.

SECT. 6. English sparrows are no longer protected. The mayor or selectmen may give certificates allowing the killing of other birds for scientific purposes. St. 1883, c. 36.

SECT. 8. The time during which deer may be taken is changed from the month of November to four days in each week in November, and the penalty modified. St. 1882, c. 199, § 1.

The killing of deer, except tame deer on the owner's grounds, is forbidden in Plymouth and Barnstable counties. St. 1883, c. 169.

SECT. 10 is amended so that the possession of a deer, except in November, is *prima facie* evidence of a violation of the law. St. 1882, c. 199, § 2.

CHAPTER 94.

OF TIMBER AFLOAT OR CAST ON SHORE.

The Connecticut River Lumber Company is authorized to construct a boom in the river. St. 1882, c. 274.

SECT. 5, which forbids the driving of logs, except in rafts, in the Connecticut, is limited to the river below the entrance of the Chicopee River; but the Connecticut River Lumber Company pays damages to owners of ferries or steam or pleasure boats above. St. 1882, c. 274.

St. 1882, c. 274, and section 5 of this chapter, are repealed. St. 1883, c. 183.

The county commissioners of Franklin, Hampden, and Hampshire, within their respective counties, may regulate the floating of timber on the Connecticut River, above the Chicopee River, and require persons doing it to protect bridges, dams and boats. St. 1883, c. 183.

CHAPTER 97.

OF WRECKS AND SHIPWRECKED GOODS.

Provision is made for the removal of wrecks and unauthorized structures in the navigable waters of the Commonwealth. St. 1883, c. 260.

CHAPTER 98.

OF THE OBSERVANCE OF THE LORD'S DAY.

The provisions relating to the observance of the Lord's Day shall not be a defence to actions for torts or injuries suffered by a person on that day. St. 1884, c. 37.

CHAPTER 99.

OF GAMING.

SECT. 10. The penalty is extended to those present at a gambling house as well as to those playing. St. 1883, c. 120.

CHAPTER 100.

OF INTOXICATING LIQUORS.

SECT. 5. Licenses of the first three classes cannot be granted in any place on the same street within four hundred feet of a public school. St. 1882, c. 220.

Applications may be received, investigated and acted upon in March or April and granted in April. St. 1883, c. 93.

SECT. 6. The publication of notice of application for licenses in Charlestown, East Boston, South Boston, Roxbury, West Roxbury, Dorchester and Brighton districts, must be in one weekly paper in the district, as well as in the Boston dailies. St. 1882, c. 222.

Applications may be advertised in March or April. St. 1883, c. 93.

SECT. 9. Common victuallers must close between twelve and five in the morning. St. 1882, c. 242.

SECT. 9. The fourth condition of the license is extended to forbid sales or deliveries to persons known to have been supported in whole or part by public charity within twelve months before the date of the license. St. 1884, c. 158.

SECT. 12. To provisions forbidding any screen to prevent a view of the business, is added, "or a view of the interior of said premises," and such screen or obstruction makes the license itself void. St. 1882, c. 259.

SECT. 13. Each surety offered on the bond given to obtain a license must make affidavit that he is worth \$2,000 above all liabilities, and shall designate enough property to meet the bond. This affidavit is filed with the bond. St. 1882, c. 259.

SECT. 18. Common victuallers who keep open during forbidden hours, come within the fines and forfeitures of this section. St. 1882, c. 242.

SECT. 29 provides for the assayer of liquors. He is now required to analyze liquors sent him by officers, and the forms of application and certificate are given. Tampering with the samples is punished. His certificate is evidence. The court may order analysis by other chemists. St. 1882, c. 221.

SECT. 30. A search warrant for liquor may be issued by a justice of the peace authorized to issue warrants in criminal cases. St. 1884, c. 191.

CHAPTER 102.

OF LICENSES AND MUNICIPAL REGULATIONS OF POLICE.

SECT. 13. The penalty for fraudulently procuring entertainment at inns is extended to boarding-houses. A copy of this section must be posted up. St. 1883, c. 187.

The maximum fine for fraudulently procuring entertainment at an inn is reduced from one hundred to fifty dollars. St. 1884, c. 168.

SECT. 33. Articles of personal apparel are not to be considered perishable for purposes of sale by pawnbrokers. St. 1884, c. 324.

SECT. 54. Cities and towns may regulate the sale or use of toy pistols, toy cannon, and all articles in which explosives are used. St. 1882, c. 272.

SECT. 54. Firearms or dangerous weapons may not be sold or furnished to children. St. 1884, c. 76.

SECT. 56. Any one storing gunpowder over one pound in amount, must at once give notice to the chief engineer, or, in Boston, board of fire commissioners, of the amount and place in the building. St. 1882, c. 269.

SECT. 86. In case of a transfer of a dog license, it must be recorded again if the dog is kept in the city or town thirty days. St. 1884, c. 185.

SECT. 124. The fee for licenses of pawnbrokers and others is made payable to the board issuing the license, instead of to the clerk, and the words "not less than" are put before the sum to be paid. St. 1882, c. 258.

CHAPTER 103.

OF DISTRICT AND OTHER POLICE.

SECT. 1. District police need no longer be examined by a judge. St. 1884, c. 190.

SECT. 10. It is made the duty of the inspectors of buildings to enforce sections 16, 17, 18, of chapter 104, Pub. St., as well as sections 13-15 and 19-22, except where there are special officers for the purpose. If they neglect their duty, they are to be discharged. These sections relate to fire escapes. St. 1882, c. 266, §§ 4, 5, 6.

SECT. 15. Railroad police shall be sworn and hold office till their appointment is revoked, instead of during pleasure. St. 1883, c. 65.

CHAPTER 104.

OF THE INSPECTION OF BUILDINGS.

SECT. 14. Relating to hoistways, elevators, etc., in factories is extended to mercantile and public buildings, and made to include safety appliances to the elevators in event of accident to the hoisting machinery. St. 1882, c. 208.

The inspectors of buildings may forbid the use of elevators for passengers or freight which are unsafe, and post a notice to that effect which must not be removed. St. 1883, c. 173.

SECTS. 15, 16, 17, 18. Fire escapes are required in hotels, lodging-houses or boarding-houses above a fixed size, and they must have watchmen, lights in the halls, gongs, and notices describing the means of escape. Factories must also have fire escapes, if more than forty persons are employed. The municipal authorities may require farther precautions. St. 1883, c. 251.

Certain approved appliances are allowed in the place of watchmen. St. 1884, c. 223, § 1.

These sections apply to family hotels. St. 1884, c. 223, § 2.

SECT. 15. regulating fire escapes, is made to apply to manufacturing establishments as well as factories, and cities may make it apply to all buildings three stories high or over. St. 1882, c. 266, § 1.

SECT. 19. The doors, inside or outside, of buildings where operatives are employed shall not be fastened during working hours, under a penalty, and the inspectors of factories shall enforce this. St. 1884, c. 52.

SECT. 20. Every tenement or lodging-house, three stories or more in height, must have a fire escape, approved by the inspectors. St. 1882, c. 266, § 2.

SECT. 22. The penalty is changed from a forfeiture to a fine, and made to cover sections 13 to 21 inclusive, instead of 13, 14, 15, 19, 20, 21. The person to whom notice of required changes is to be given is defined. St. 1882, c. 266, § 3.

SECT. 23. The authority of inspectors under sections 13-21 does not extend to Boston or other cities where there are officers specially appointed. St. 1882, c. 266, § 4.

SECT. 24, which requires discharge of officers not attending to their duties, is made to apply to sections 16, 17, 18. St. 1882, c. 266, § 5.

CHAPTER 105.

OF CERTAIN POWERS, DUTIES AND LIABILITIES OF CORPORATIONS.

Foreign corporations, except insurance companies doing business here, must appoint the commissioner agent to receive service in suits, and must make return of their charters and capital. St. 1884, c. 330.

SECT. 24. No record is necessary to the transfer of stock. St. 1884, c. 229.

SECT. 42. The limitation of time within which a receiver of a corporation may be appointed is removed. St. 1884, c. 203.

CHAPTER 106.

OF MANUFACTURING AND OTHER CORPORATIONS.

SECT. 6. Ten or more persons may form corporation to examine and guaranty titles of real estate, and the business is regulated. St. 1884, c. 180.

CHAPTER 109.

OF COMPANIES FOR THE TRANSMISSION OF INTELLIGENCE BY ELECTRICITY.

This chapter, except sections 16 and 18, shall also apply to lines for electric light. St. 1883, c. 221.

SECT. 4. Provision is made for damages to abutters on roads used for wires. St. 1884, c. 306.

SECT. 15. Wires may not be put up without the landowner's consent. The name of the owner of the wires must be put on posts, etc. St. 1884, c. 302.

CHAPTER 112.

OF RAILROAD CORPORATIONS AND RAILROADS.

SECT. 34. Organizations, under general law, cannot be made unless the railroad commissioners grant a certificate that public necessity and convenience require the construction of the road. St. 1882, c. 265, § 1.

SECT. 38. No railroad can be located within three miles of the state house without the consent of the railroad commissioners. St. 1882, c. 265, § 4.

SECT. 44. The certificate of incorporation cannot issue after one year from the time when the route is fixed. St. 1882, c. 265, § 2.

SECT. 62. The stockholders may, before May 13, 1883, ratify any notes or bonds not approved or certified as required in this section. St. 1883, c. 7.

SECT. 91. To the purposes for which land outside the location may be taken is added the construction of one or more tracks. And a proviso is added to the whole section requiring the assent of the city or town where public highways, buildings, parks or cemeteries are to be taken. St. 1884, c. 134.

SECT. 115 requires railroads to fence, except where exempted from the duty by the county commissioners. This power is now transferred to the railroad commissioners, as well as the revocation of exemptions. St. 1882, c. 162.

SECTS. 129-134. The betterment act is extended to alterations of ways at railroad crossings. St. 1884, c. 280.

SECT. 129. An appeal from the decision of the county commissioners as to crossings of highways and railroads may be taken by any person aggrieved by their decision, or neglect to decide for sixty days. St. 1882, c. 135.

SECT. 138. So as to private crossings of railroads. St. 1882, c. 135.

SECT. 139. The clause forbidding branches within eight miles of the state house is stricken out. St. 1884, c. 279.

SECT. 166. The railroad commissioners, as well as the town or city authorities, may require gates or flags at crossings. St. 1883, c. 117.

SECT. 170. St. 1882, c. 73, requires locomotive boilers to be tested.

Safety couplers are required on freight cars. St. 1884, c. 222.

SECT. 171. In addition to the tools which each train must now carry, each car of every passenger train must have two sets of tools, and such other appliances as the railroad commissioners require. St. 1882, c. 54.

SECT. 179. The requirement of an examination for color blindness every two years is repealed. St. 1883, c. 125.

SECT. 180 allows railroads to establish tolls and fares, but by St. 1882, c. 94 and 225, they are forbidden to give undue or unreasonable preferences.

Only ten cents extra can be required where fare is paid on the cars, and a check must be given redeemable in ten days; all under a penalty. St. 1883, c. 32.

SECT. 202. The offence of interfering with electric signals is enlarged by omitting "electric." St. 1884, c. 5.

SECT. 205. Unlawfully using, removing or tampering with the tools required to be carried on passenger trains, is punished. St. 1882, c. 54, § 2.

SECT. 212. If an employé in the exercise of due care is killed, under such circumstances that he could have recovered damages if death had not resulted, the corporation shall be liable as if he had not been an employé. St. 1883, c. 243.

CHAPTER 115.

OF ASSOCIATIONS FOR CHARITABLE, EDUCATIONAL AND OTHER PURPOSES.

No association formed for medical purposes under this chapter can confer degrees, and officers attempting to do so are punished. St. 1883, c. 268.

SECT. 2. Relief societies may be formed by the employés of railroads and steamboat companies. They are subject to the supervision of the railroad commissioners. St. 1882, c. 244.

Corporations organized under this chapter may provide for weekly payments to members in need. St. 1882, c. 195.

SECT. 8. Such corporations may accumulate funds to assist the widows,

orphans, or other relatives of deceased members, or any persons dependent on them. St. 1882, c. 195, § 2.

SECT. 11, which provides for the returns of benefit societies, is amended to cover societies making payments for disabilities, and to make the returns more definite. St. 1882, c. 195, § 3.

No such society can reinsure or transfer its policies to any society not authorized to do business here. St. 1882, c. 195, § 4.

CHAPTER 116.

OF SAVING BANKS AND INSTITUTIONS FOR SAVINGS.

Receivers, at the end of one year from their final settlement, deposit all books and papers with the commissioners. St. 1882, c. 77.

The books and papers of insolvent savings banks may be stored in the Commonwealth Building. St. 1884, c. 72.

SECT. 2. The part relating to clerical assistance (\$1,600 per annum) is repealed, and the salary of the first clerk fixed at \$1,300, and the extra clerk at \$700. St. 1882, c. 148.

SECT. 16. Notice of special meetings must be given, both by publication and by mailing notices, instead of either mode as at present. St. 1884, c. 150.

SECT. 19. A savings bank may only receive or pay deposits at their banking house, which must be where it is established. St. 1884, c. 253.

SECT. 20. The limit of authorized investments is extended. St. 1882, c. 231. St. 1883, c. 134.

"Net indebtedness" is to be computed excluding water loans and crediting sinking funds. St. 1883, c. 127.

Only a sum equal to thirty-five per cent. of the deposits can be invested or held as collateral in stocks of banks, and if more is now held it must be reduced to that limit before July 1, 1885. St. 1883, c. 202.

SECT. 20, Cl. 4. The investment in the stocks of any one bank is limited to three per cent. of the savings banks deposits. St. 1882, c. 224.

SECT. 20, Cl. 6. The amount which savings banks may lend on personal security to any person, firm or corporation is limited. St. 1884, c. c. 56, 168.

SECT. 20, Cl. 8. The time for the sale of real estate now held by foreclosure is extended. St. 1882, c. 200.

A year more is given, with power for the bank commissioners to grant two years additional time. St. 1883, c. 52.

SECTS. 13, 21, 22, 23. The names of the board of investment must be published twice a year. St. 1882, c. 50.

SECT. 44 is repealed and new provision is made for paying unclaimed dividends into the treasury. Claims for such dividends may be made within two years. St. 1883, c. 258.

CHAPTER 117.

OF CO-OPERATIVE SAVINGS FUND AND LOAN ASSOCIATION.

SECT. 3. The words "co-operative saving fund and loan association" are changed to "co-operative bank," in the statute and in the names of all associations existing or future. St. 1883, c. 98.

SECT. 8. The mode and value of withdrawing and retiring shares is determined. St. 1882, c. 251, § 1.

SECT. 10. Before paying off matured shares, arrears and fines are to be deducted. St. 1882, c. 251, § 1.

SECT. 10. In lending the money, the bids may be, instead of a premium, a rate of interest not less than five per cent. St. 1882, c. 251, § 2.

SECT. 16 is amended by providing that the share of a member six months in arrears may be declared forfeited. He is then given credit for the withdrawing value of his share, and the balance is enforced against his security. St. 1882, c. 251, § 1.

CHAPTER 119.

OF INSURANCE COMPANIES AND INSURANCE.

Provision is made for insurance against tempests. St. 1883, c. 33, § 4.

Companies to guarantee the fidelity of persons and to act as sureties on bonds are authorized and regulated. St. 1884, c. 296.

SECT. 6. In addition to the commissioner or his deputy, the first clerk, under the direction of the commissioner, is authorized to examine domestic companies. St. 1883, c. 235.

SECT. 11. In computing the amount required for reinsurance, instead of taking the full amount of all marine risks, sixty per cent. is taken on yearly risks and those covering more than one voyage. St. 1883, c. 126.

Fire, marine or inland insurance companies with a capital not exceeding two hundred thousand, shall compute reinsurance on inland business at fifty per cent. of outstanding premiums, and marine, at one hundred per cent. on all ocean marine premiums. St. 1884, c. 178.

SECTS. 26-29. Domestic marine insurance companies may insure against fire or lightning on adding to their capital the minimum amount required for such business. St. 1884, c. 177.

SECT. 29. The minimum capital required for fire, marine and inland business is fixed at two hundred thousand dollars in all cases, except that foreign companies, except for fire business, must have three hundred thousand dollars. St. 1884, c. 178.

SECTS. 51, 79. Insurance companies may provide for dividing their directors into two, three or four classes to hold office those numbers of years. St. 1884, c. 74.

SECT. 133, which limits the risks to be taken in towns and districts, is modified. St. 1883, c. 33, § 2.

SECTS. 141 *et seq.* Discrimination on account of color is forbidden. St. 1884, c. 235.

SECT. 156. The securities deposited with the state treasurer to comply with laws of other states under this section may be returned. St. 1884, c. 119.

SECT. 157. The fee for valuing life insurance policies is reduced from one cent to five mills on one thousand dollars. St. 1884, c. 55.

SECT. 173. Receivers, at the end of one year after the final settlement, must deposit all books and papers with the insurance commissioner. St. 1883, c. 33, § 5.

Section 173 is repealed, and unclaimed dividends are paid into the treasury. Claims for such dividends may be made within two years. St. 1883, c. 258.

SECTS. 178 to 195. Reinsurance in companies not authorized to insure here is forbidden. St. 1884, c. 120.

SECT. 195. No reinsurance shall be effected except with companies or persons authorized to do business here. St. 1883, c. 33, § 1.

SECT. 218. Provision is made for withdrawing the deposit made by foreign insurance companies when all claims are satisfied, and for changing its investment and for enforcing in equity the trust on which it is held. St. 1883, c. 107.

SECT. 227. The commissioner is to furnish in December blanks for the returns. St. 1883, c. 33, § 3.

SECT. 227. The time for filing the annual statement may for cause be extended to February 15th. St. 1884, c. 217.

SECTS. 227, 228. Foreign fire insurance companies are not obliged to return their foreign business and assets, but if they do not, they may not announce them here under penalty of a revocation of their license. St. 1884, c. 58.

CHAPTER 125.

OF THE DESCENT OF REAL ESTATE.

SECT. 4. The property of an illegitimate child descends to his relatives through his mother, if she is dead. St. 1882, c. 132.

CHAPTER 130.

OF THE APPOINTMENT OF ADMINISTRATORS.

SECTS. 10-17. A special administrator may pay the expenses of the executor in proving the will. St. 1884, c. 291.

CHAPTER 131.

OF PUBLIC ADMINISTRATORS.

SECT. 18. Claims under this section are limited to one year after the money is deposited. St. 1883, c. 264.

CHAPTER 135.

OF ALLOWANCES TO WIDOWS AND CHILDREN, AND OF THE DISTRIBUTION OF THE ESTATES OF INTESTATES.

SECT. 3, Cl. 3. The husband, instead of the whole, is given half the personal estate of his deceased wife. St. 1882, c. 141.

CHAPTER 146.

OF DIVORCE.

Statistics as to libels of divorce, must be furnished by the clerks of the courts to the secretary of state, who prepares abstracts and tables for the legislature. St. 1882, c. 194.

SECT. 1. Divorce may be decreed for absence which would raise a presumption of death. St. 1884, c. 219.

SECT. 19. The application for final decrees is to be made to the court, or a justice of it, instead of to the clerk. St. 1882, c. 223.

CHAPTER 147.

OF CERTAIN RIGHTS AND LIABILITIES OF HUSBAND AND WIFE.

A wife has the right of interment in any lot or tomb which her husband owned during coverture, unless she has released it. St. 1883, c. 262.

SECTS. 1, 6. A married woman living separate by decree may devise or deed her property. St. 1884, c. 301.

SECT. 3. The words "a husband and wife shall not transfer property to each other" are changed, so that the chapter shall not "authorize" such transfer, and the change applies to all transfers since the enactment of the Public Statutes. St. 1884, c. 132.

CHAPTER 148.

OF THE ADOPTION OF CHILDREN AND CHANGE OF NAMES.

SECTS. 11-14. A list of all names changed by special act or under the General or Public Statutes is to be published and distributed. St. 1884, c. 249.

CHAPTER 150.

OF THE SUPREME JUDICIAL COURT.

SECT. 14. Double costs are given for frivolous appeals as well as for frivolous exceptions, and the other party may now move for them. St. 1883, c. 223, § 15.

CHAPTER 151.

OF THE SUPREME JUDICIAL COURT, EQUITY JURISDICTION.

SECT. 2, Cl. 11. The provision for reaching the property of the debtor is extended. The debt may be less than one hundred dollars. The interest of a partner may be reached. St. 1884, c. 285.

SECT. 7. The forms in equity are established. Suits in equity may be brought where transitory actions now are. No action shall be defeated because the form ought to be law, instead of equity or *vice versa*. St. 1883, c. 223, §§ 10, 13, 17.

CHAPTER 152.

OF THE SUPERIOR COURT.

SECT. 2. The salary of the chief justice is raised from \$4,800 to \$5,300, and that of the other justices from \$4,500 to \$5,000. St. 1882, c. 205.

SECT. 4. General equity jurisdiction is given and provisions made for its exercise. St. 1883, c. 223.

The return day of process is to be fourteen days from the service instead of from the date. St. 1884, c. 316.

CHAPTER 153.

OF MATTERS COMMON TO THE SUPREME JUDICIAL COURT AND THE SUPERIOR COURT.

SECTS. 10, 13. When disability or death of the justice prevents him from signing exceptions, they may be proved as if they were disallowed by him. St. 1882, c. 239.

CHAPTER 154.

OF POLICE, DISTRICT AND MUNICIPAL COURTS.

SECT. 1. The session of the district court of Hampshire required by St. 1882, c. 227, to be held at Cumington, is made discretionary with the justice. St. 1883, c. 75.

The clerk need not attend except at Northampton, but makes his record from the minutes of the judge. St. 1883, c. 75.

Sessions of district court of Northern Berkshire are provided for at Adams. St. 1884, c. 266.

SECT. 2. For the police court of Cambridge is substituted the third district court of Eastern Middlesex, including Cambridge, Arlington and Belmont. The fourth district court of Eastern Middlesex is established, including Woburn, Winchester and Burlington. St. 1882, c. 233.

Police courts are established in Marlborough and Brookline. St. 1882, c. 233.

The district court of Hampshire is established, with a district including the county. St. 1882, c. 227.

The town of Hopkinton is taken from the district of the first district court of Southern Middlesex. St. 1882, c. 169.

The first district court of Northern Worcester is established. St. 1884, c. 215.

SECT. 5. The police court of Chelsea is given a clerk. St. 1882, c. 176.

The second district court of Eastern Middlesex is given a clerk. St. 1883, c. 97.

And the district court of Hampshire. St. 1883, c. 80.

The clerkship of the district court of Southern Berkshire is abolished. St. 1884, c. 231, § 2.

SECT. 16. To the courts having jurisdiction where one defendant is within the district is added the first district court of Northern Worcester. St. 1884, c. 215, § 5.

SECT. 25. When no justice is present at a police or district court the sheriff or his deputy may adjourn it. St. 1884, c. 188.

SECT. 26. Special justices of the district court of Hampshire are allowed their travelling expenses, not exceeding one hundred dollars. St. 1884, c. 205.

SECT. 39. Section 52 of this chapter, requiring a bond instead of a recognizance in municipal courts in Boston, is extended to the other municipal, police and district courts. St. 1882, c. 95.

SECT. 42. The justices of the several municipal courts in Boston may act for each other in certain cases. St. 1882, c. 43.

Winthrop is added to the East Boston district. St. 1882, c. 146.

SECT. 55. Another associate justice is added to the municipal court in Boston, making three in all. St. 1882, c. 41.

SECT. 58. The salary of the clerk of the municipal court, Boston, for criminal business, is increased from \$1,600 to \$1,900. St. 1883, c. 47.

SECT. 64. The salaries of the justices are increased as follows :

	From.	To.
Southern Berkshire, 1884, c. 231,	\$800	\$1200
Brookline, 1882, c. 233,	-	800
“ 1884, c. 211,	800	1000
East Boston, 1882, c. 245,	1200	1500
First Bristol, 1884, c. 220,	600	800
First Essex, 1882, c. 245,	1600	1800
Fitchburg, 1882, c. 245,	1000	1200
Hampshire, 1882, c. 227,	-	2800
Haverhill, 1882, c. 245,	1400	1800
Marlborough, 1882, c. 233,	-	1000
First Eastern Middlesex, 1882, c. 245,	1200	1500
Third “ “ 1882, c. 233,	-	2200
Fourth “ “ 1882, c. 233,	-	1200
Newburyport, 1882, c. 245,	700	1200
Somerville, 1882, c. 245,	1200	1400
South Boston, 1882, c. 245,	1800	2000

JUSTICES' SALARIES — *Continued.*

	From.	To.
West Roxbury, 1883, c. 111,	\$1200	\$1600
First Eastern Worcester, 1884, c. 208,	800	1000
Second Eastern Worcester, 1882, c. 245,	800	1000
First Northern Worcester, 1884, c. 215,	—	1200
Third Southern Worcester, 1882, c. 245,	1400	1600

The salary of the justice of the district court of Hampshire is reduced from \$2800 to \$2300, he being giving a clerk. St. 1883, c. 75.

The salaries of the clerks are increased as follows :

	From	To
Central Berkshire, 1882, c. 245,	\$600	\$800
Boston, 1882, c. 245,	2250	3000
Chelsea, 1882, c. 176,	—	800
“ 1884, c. 197,	800	900
East Boston, 1882, c. 245,	1000	1100
First Essex, 1882, c. 245,	1000	1300
Fitchburg, 1882, c. 245,	500	700
Gloucester, 1883, c. 53,	600	800
Hampshire, 1883, c. 80,	—	600
Haverhill, 1882, c. 245,	600	800
Holyoke, 1884, c. 65,	750	1000
Lowell, 1882, c. 63,	1000	1200
Marlborough, 1882, c. 233,	—	400
First Eastern Middlesex, 1882, c. 87,	800	1000
Second “ “ 1883, c. 97,	—	400
Third “ “ 1882, c. 233,	—	1200

CLERKS' SALARIES — *Continued.*

	From	To
Fourth Eastern Middlesex, 1882, c. 233,	—	\$600
Newburyport, 1882, c. 245,	\$600	700
First Plymouth, 1883, c. 57,	500	600
Somerville, 1882, c. 245,	600	800
South Boston, 1882, c. 245,	1200	1400
Central Worcester, 1882, c. 245, assistant,	800	1000
Second Eastern Worcester, 1882, c. 245,	400	500
First Northern Worcester, 1884, c. 215,	—	600

Of the constables :

	From.	To.
Boston, civil (2), 1882, c. 245,	\$1000	\$1100
criminal (6), 1882, c. 245,	1200	1300
East Boston, 1882, c. 245,	1000	1100
South Boston, 1882, c. 245,	1000	1100
Roxbury, 1882, c. 245,	1000	1100

SECT. 64. The clerk of the fourth district court of Plymouth is allowed his travelling expenses not exceeding one hundred dollars. St. 1884, c. 204.

SECT. 69. The salary of the messenger of the superior court, in Suffolk, is increased from \$1,400 to \$1,500. St. 1883, c. 54.

CHAPTER 155.

OF JUSTICES OF THE PEACE AND TRIAL JUSTICES.

SECT. 4. The section as to authorizing justices to issue warrants is modified. St. 1884, c. 286.

SECT. 49. The power of trial justices over juvenile offenders is restricted by forbidding them to commit children under twelve to jail, etc., except for offences punishable by imprisonment for life. St. 1882, c. 127, § 1.

CHAPTER 156.

OF PROBATE COURTS.

SECT. 22, 23. The probate judge in Suffolk may appoint a Boston constable to attend the session and serve orders and precepts. His salary is \$1,200. St. 1884, c. 140.

SECT. 35. In probate cases expenses as well as costs may be awarded. St. 1884, c. 131.

SECT. 44. The limit of expense of recording probate proceedings is raised from \$1,200 to \$2,000. St. 1884, c. 118.

SECT. 48. When the regular term falls on a legal holiday or on election day it shall be held on the day after, but notices to the regular day shall be valid. St. 1884, c. 141.

In Hampden court day is changed from Tuesday to Wednesday, and a court at Springfield is added in November and four days are given to Holyoke. St. 1884, c. 294.

CHAPTER 157.

OF COURTS OF INSOLVENCY.

Provision is made for composition with creditors. It does not apply to corporations. St. 1884, c. 236.

SECT. 26. Equitable liabilities may be proved. St. 1884, c. 293.

SECT. 102. Accounts of assignees in insolvency must be sworn to by the assignees or one of them. St. 1884, c. 126.

SECT. 103. Provision is made for the investment of unclaimed dividends in the name of the judge until they are called for. St. 1883, c. 242.

CHAPTER 158.

OF JUDGES AND REGISTERS OF PROBATE AND INSOLVENCY.

SECT. 23. The salary of the judge in Middlesex is raised from \$2,500 to \$3,000 (St. 1882, c. 129), and the assistant register in Suffolk from \$1,500 to \$2,000. St. 1882, c. 144.

Of the judge in Essex from \$2,500 to \$3,000. St. 1883, c. 244.

Of the judge and register of probate for Berkshire, respectively, from \$1,200 to \$1,600. St. 1884, c. 192.

Of the register in Hampden County from \$1,600 to \$1,800. St. 1884, c. 248.

CHAPTER 159.

OF CLERKS, ATTORNEYS AND OTHER OFFICERS OF JUDICIAL COURTS.

SECT. 34. The provisions relating to the qualification and admission to practice of attorneys at law apply to women. St. 1882, c. 139.

SECT. 44. The clause forbidding any person to appear as counsel or attorney in a suit determined by him as judge or trial justice, is extended to any proceeding, civil or criminal. St. 1884, c. 170.

SECT. 50. The compensation of masters and special masters in chancery,

and of assessors appointed by the court, is paid by the county. St. 1883, c. 216.

SECT. 68. Deputies in attendance on the supreme judicial court in Suffolk, not exceeding four in number, are paid a salary of fourteen hundred dollars, instead of \$4.50 per day and travel. St. 1882, c. 232.

SECT. 69. And officers attending the superior court fifteen hundred dollars, instead of fourteen hundred as before. St. 1882, c. 245, § 3.

CHAPTER 160.

SPECIAL PROVISIONS RESPECTING COURTS AND THE ADMINISTRATION OF JUSTICE.

SECT. 4. The day following Christmas, when it falls on Sunday, is added to the days on which courts are not open. St. 1882, c. 49.

CHAPTER 161.

OF THE COMMENCEMENT OF ACTIONS AND THE SERVICE OF PROCESS.

SECT. 1. The venue of equity suits may be the same as that of transitory actions. St. 1883, c. 223, § 13.

CHAPTER 163.

OF BAIL.

SECT. 12. The bail are also discharged on paying costs if the principal dies. St. 1884, c. 260.

CHAPTER 164.

OF PROCEEDINGS AGAINST ABSENT DEFENDANTS AND UPON INSUFFICIENT SERVICE.

SECT. 6. When real estate of a non-resident is attached notice must be given to him within one year. St. 1884, c. 268.

CHAPTER 167.

OF PLEADINGS AND PRACTICE.

SECT. 17. Any matter which would entitle the defendant in equity to be absolutely relieved from the plaintiff's claim, may be alleged. St. 1883, c. 223, § 14.

SECT. 24. Equitable defences may be relied on in reply to the defendant's answer. St. 1883, c. 223, § 14.

SECT. 67. Where there are two or more shire towns, the shire town at which an action shall be tried may be designated at the term of entry, and then it will not be tried elsewhere, nor costs given for terms elsewhere. St. 1882, c. 264.

Parties may agree that action shall not be tried before a certain day. St. 1884, c. 304.

CHAPTER 169.

OF WITNESSES AND EVIDENCE.

The authority to issue summons is changed from "all civil cases" to "all excepting criminal cases." St. 1884, c. 247.

SECTS. 7, 8. The board of police commissioners are added to the bodies which may call witnesses before them, and if they do not attend, the chairman may issue a warrant. St. 1882, c. 267.

Justices of the supreme or superior courts may compel witnesses to appear and testify before special tribunals which have power to summon but not to compel their attendance. St. 1883, c. 195.

SECTS. 28, 41. Where the adverse party does not appear to defend, no notice of the taking of depositions or any exhibition of interrogatories is required. St. 1883, c. 188.

SECT. 54. In case of depositions *in perpetuum memoriam* of parties without the state, the court shall order notice to non-resident parties interested. St. 1882, c. 140.

CHAPTER 172.

OF THE LEVY OF EXECUTIONS ON REAL ESTATE.

SECT. 30. Execution sales where the sale is restrained may be adjourned till the farther order of the court granting the injunction. On the final determination the court may order the sale to proceed and farther notice to be given. St. 1884, c. 175.

CHAPTER 176.

OF PETITIONS FOR THE SETTLEMENT OF TITLE.

After possession by the mortgagor for twenty years, he may apply to the supreme judicial court, and if it appears that there has been no act of recognition in that time, any action is barred. St. 1882, c. 237.

CHAPTER 178.

OF THE PARTITION OF LAND.

SECT. 51. The notice of the petition is to be published in "newspaper or newspapers," instead of "newspapers." St. 1882, c. 55.

SECT. 63 is amended, as stated in the published editions of Public Statutes, by 1882, c. 6, § 2.

CHAPTER 181.

OF THE REDEMPTION AND FORECLOSURE OF MORTGAGES.

SECT. 17. The notice of sale under a mortgage of real estate, if there is no newspaper in the town, may be given in some newspaper in the county. St. 1882, c. 75.

CHAPTER 183.

OF THE TRUSTEE PROCESS

SECT. 73. When, pending the trustee process, the defendant sues the trustee, the costs in such suit are in the discretion of the court. St. 1883, c. 62.

CHAPTER 185.

OF HABEAS CORPUS AND PERSONAL REPLEVIN.

SECT. 18. Amendment incorporated in published edition of Public Statutes. St. 1882, c. 6, § 3.

CHAPTER 187.

OF WRITS OF ERROR, AND WRITS OF, AND PETITIONS FOR, REVIEW.

SECT. 39 provides for a stay of execution where a petition for review is filed, on the petitioner giving bond. By St. 1882, c. 249, where the petitioner had no actual knowledge of the action, it may be ordered without security.

CHAPTER 192.

OF MORTGAGES, CONDITIONAL SALES, PLEDGES, AND LIENS UPON PERSONAL PROPERTY.

SECTS. 1, 2 are repealed and two new sections substituted. The new sections differ in requiring the mortgage to be recorded within fifteen days from the date written therein. If it must be recorded in two places, the second record must be within ten days of the first. The mortgage is not good till so recorded and a record after the time fixed is void. St. 1883, c. 73.

SECT. 13. Conditional sales of furniture or household goods are regulated. St. 1884, c. 313.

CHAPTER 198.

OF COSTS IN CIVIL ACTIONS.

SECT. 25. On appeal from taxation of costs, by the clerk, if it is during the term, it shall be heard by the justice before adjournment. St. 1882, c. 235.

SECT. 28. The term-fees, which are allowed to the prevailing party, are limited. St. 1882, c. 264.

CHAPTER 199.

OF THE FEES OF CERTAIN OFFICERS.

SECT. 6. The travel of officers summoning witnesses in criminal cases, under twenty miles, is raised. The distance is computed from the most distant place of service to the place of return. But when the officer has not actually travelled the distance, the court may reduce the amount. St. 1882, c. 215.

CHAPTER 203.

OF OFFENCES AGAINST PROPERTY.

Making false statements of the distance one intends to travel when hiring a horse, or of the distance actually travelled, or refusing to pay for the same, is made a crime. St. 1882, c. 236.

Setting fire to any material which causes the destruction of growing or standing wood is punished. St. 1882, c. 163.

SECT. 40. Embezzlement by agents, clerks, etc., is made to cover officers of voluntary associations and societies. St. 1884, c. 174.

SECT. 79. Detaining without cause books, etc., taken from public libraries, is punished. St. 1883, c. 77.

This section punishes the mutilation of books and other property of libraries. To the list is now added "maps, newspapers, magazines, pamphlets and manuscripts," and to the libraries, "incorporated libraries." St. 1883, c. 81.

SECT. 99. A person may, by notice, prohibit shooting or trapping on his land, and game artificially propagated is his. St. 1884, c. 308.

SECT. 101. Tearing down, removing, or defacing a town meeting warrant, list of voters or jurors, or other legal notice, is punished. St. 1883, c. 156.

CHAPTER 207.

OF OFFENCES AGAINST CHASTITY, MORALITY, AND GOOD ORDER.

The exhibition of persons deformed is forbidden. St. 1884, c. 99.

SECTS. 29, 42. Rogues, vagabonds, vagrants and others named in these sections, may be sent to the state workhouse as tramps, are under § 38. Who may prosecute; jurisdiction of courts. St. 1884, c. 258.

SECT. 34. Persons disorderly or indecent in speech or behavior on public conveyances are punished. St. 1883, c. 102.

CHAPTER 208.

OF OFFENCES AGAINST PUBLIC HEALTH.

The making or selling of any drug or article of food which is adulterated is punished. Adulteration is defined. Such compounds as the state board of health approve are exempt, if so marked. Provision is made for analyzing samples. St. 1882, c. 263.

The state board of health may expend, in enforcing the laws against the adulteration of milk, three thousand dollars; and against other adulterations, two thousand dollars. They must report the prosecutions and an itemized account of the expenses. St. 1883, c. 263. Modified. St. 1884, c. 289.

CHAPTER 209.

OF OFFENCES AGAINST PUBLIC POLICY.

Property shall not be sold or exchanged by inducement of any gift. St. 1884, c. 277.

CHAPTER 212.

OF SEARCH WARRANTS, REWARDS, ARRESTS, EXAMINATION, COMMITMENT, BAIL, AND PROBATION.

Children under twelve, not accused of offences punishable by imprisonment for life, nor truants, are not to be arrested till they neglect to appear on summons, nor to be committed on default of bail, nor on sentence. St. 1882, c. 127.

SECT. 26. Where a trial justice adjourns an examination or trial, and then fails to appear, another justice may complete the proceedings. The records are made up by the justice entering the final decision. St. 1883, c. 175.

SECT. 68. which allows a person to deposit money instead of furnishing sureties in criminal cases, is modified so that he may recognize and deposit the money with any officer authorized to take his recognizance, instead of being restricted to the magistrate or clerk of the court ordering it. St. 1882, c. 134.

SECT. 78. Two additional probation officers may be appointed in Boston. The requirement that the officers be appointed in May is struck out. St. 1882, c. 125.

CHAPTER 214.

OF TRIALS AND PROCEEDINGS BEFORE JUDGMENT.

SECT. 1. A list of criminal cases for trial is made compulsory instead of discretionary with the court. St. 1884, c. 193.

CHAPTER 215.

OF JUDGMENT AND EXECUTION.

Convicts punishable by imprisonment in the house of correction may be sent to jail instead, and those undergoing sentence may be removed from one to the other. St. 1882, c. 241.

Sentences to successive terms allowed. St. 1884, c. 265.

SECT. 18 is changed so that no child under twelve can be imprisoned at all, except on charges involving imprisonment for life or for truancy, but must be committed to the custody of the state board of health. St. 1882, c. 127.

CHAPTER 218.

OF FUGITIVES FROM JUSTICE AND PARDONS.

SECT. 14. Where the condition of a pardon is broken, and the convict is remanded to serve out his sentence, if he is then serving another sentence, his time is to begin from the expiration of that. St. 1882, c. 197.

CHAPTER 219.

OF THE COMMISSIONERS OF PRISONS.

The commissioners may transfer prisoners, except for capital crimes, to hospitals for surgical treatment. The time of their sentence runs while there. St. 1882, c. 207.

SECT. 4. They may remove prisoners from jails to houses of correction, and *vice versa*, as provided in this section. St. 1882, c. 241.

SECT. 17. The number of prisoners who may be employed in certain occupations is limited. St. 1883, c. 217.

SECT. 34. The heads of police and others making arrests are required to make monthly reports. St. 1882, c. 226, § 2.

SECTS. 34, 35. The blanks for the returns of criminal business made by clerks of courts and other officers under these sections, are furnished by the commissioners of prisons, who prescribe the form. St. 1882, c. 226.

SECT. 36, prescribing the form, is repealed. St. 1882, c. 226, § 3.

CHAPTER 220.

OF JAILS AND HOUSES OF CORRECTION.

SECT. 2. The sheriff may remove prisoners at his discretion between jails and houses of correction. St. 1882, c. 241, § 2.

SECT. 40. The number of prisoners who may be employed in certain trades is limited. St. 1883, c. 217.

SECT. 49. Clerical error corrected. St. 1882, c. 6, § 4.

SECT. 50. Escapes from officers who have taken the prisoner out to perform labor on any public land, are made escapes from prison and punished. St. 1882, c. 198.

SECTS. 66, 68. All the provisions as to persons released under § 68 are applied to § 66. St. 1884, c. 152, § 3.

SECT. 68. Any violation of permits to be at liberty issued to a prisoner of itself renders them void, and an order of arrest and recommitment may issue and the time he has been at liberty does not count on his sentence. St. 1884, c. 152, §§ 1, 2.

CHAPTER 221.

OF THE STATE PRISON, AND THE REFORMATORY PRISON FOR WOMEN.

A reformatory prison for male prisoners is established. St. 1884, c. 255.

SECT. 1. The state prison is removed from Concord to Boston. St. 1884, c. 255, § 1.

SECT. 6. The number of officers at the state prison is changed; the turnkeys reduced from eleven to four; the watchmen increased from ten to twenty-three: the assistant watchmen not to exceed twenty-three instead of fifteen, and no additional watchmen. St. 1882, c. 203, § 1.

SECT. 8. The commissioners are deprived of their share in the removal of officers by the warden. St. 1882, c. 203, § 2.

SECT. 11. The compensation of officers, except the warden, chaplain

and physician, is fixed by the warden, subject to the approval of the commissioners, but not to exceed the maximum stated. St. 1882, c. 203, §§ 3, 4.

The salary of engineer at the state prison at Concord is fixed by the warden, not exceeding \$1,500, subject to the approval of the commissioners. St. 1884, c. 95.

SECT. 43. The purchase of a burial-place at the reformatory prison at Sherborn is provided for. St. 1882, c. 213.

SECTS. 43-53. The duties of school-mistress at the reformatory prison for women are transferred to the chaplain and the office is abolished. St. 1884, c. 43, §§ 1, 2.

SECT. 44. The office of steward at the reformatory prison is abolished. St. 1883, c. 267.

SECT. 47. The salary of deputy superintendent of the reformatory prison for women, now \$600, is to be fixed by the commissioners of prisons, but not to exceed \$800. St. 1884, c. 43, § 2.

SECT. 52. Any violation of a permit to be at liberty issued to a prisoner, of itself renders it void, and an order of arrest and recommitment may issue and the time he has been at liberty does not count on his sentence. St. 1884, c. 152, §§ 1, 2.

CHAPTER 222.

SPECIAL PROVISIONS CONCERNING PENAL AND OTHER PUBLIC INSTITUTIONS.

SECT. 17. In case of poor convicts confined three months for non-payment of fine or costs, if there is no police or district court in the county, the jailer shall report to a trial justice, who has authority to hear the matter and discharge him. St. 1882, c. 201.

SECT. 20. Any violation of a permit to be at liberty issued to a prisoner, of itself renders it void, and an order of arrest and recommitment may issue and the time he has been at liberty does not count on his sentence. St. 1884, c. 152, §§ 1, 2.

SECT. 21. Recommitments are hereafter made by the board setting at liberty, but warrants already issued may be served and the proceedings go on, but if the person is in prison he can at once be brought before the court, but the order of remand only takes effect from the expiration of his pending sentence. St. 1884, c. 152, § 3.

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